

Rhode Island Regional Analysis of Impediments to Fair Housing

August 2015

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Dear Reader,

I am pleased to present the *Rhode Island Regional Analysis of Impediments to Fair Housing*, the state's assessment of fair housing conditions and strategy for furthering fair access to housing for all residents.

HUD has long required jurisdictions that receive federal funding under a variety of programs – including Rhode Island's Office of Housing and Community Development, Rhode Island Housing and its six largest cities – to certify that they affirmatively further fair housing choice by completing an Analysis of Impediments, taking action to eliminate identified impediments and maintaining fair housing records. The State has a standing obligation to complete such an analysis, and through this planning grant, the Rhode Island Office of Housing and Community Development, in conjunction with the Division of Planning and Rhode Island Housing, has had the opportunity to develop this Statewide Analysis of Impediments. This was made possible through funding from the U.S. Department of Housing and Urban Development (HUD).

We hope this document will help the State work collaboratively to create a more prosperous future for Rhode Island.

Sincerely,

Michael Tondra
Chief, Rhode Island Office of Housing and Community Development



Executive Summary

This Regional Analysis of Impediments (Regional AI) for Rhode Island examines the dynamics of the housing market from a fair housing and equal access perspective. It recommends administrative and programmatic actions to address barriers in private and government-assisted housing, not only for protected classes but others who have faced barriers in the marketplace. The Regional AI also addresses other issues that affect housing access like, zoning, lead paint, discrimination and the marketing of homes for sale or rent. It promotes initiatives that facilitate equal access to housing.

The federal Fair Housing Act (Title VIII of the 1968 Civil Rights Act) broadly prohibits housing discrimination on the basis of race, color, religion, national origin, sex, disability, and familial status. The Rhode Island Fair Housing Practices Act (R.I.G.L. 34-37) makes it illegal to discriminate on these bases and also on ancestral origin, age (18+), marital status, sexual orientation, gender identity/expression or status as a victim of domestic abuse.

The federal Fair Housing Act specifically requires all agencies of the federal government administering programs involving housing and community development to act “in a manner affirmatively to further the policies of [the Fair Housing Act].” The Act directs the U.S. Department of Housing and Urban Development (HUD) to further fair housing in all of its funding programs and assigns it a lead role among all federal agencies for this purpose.¹

The regulations governing the Community Development Block Grant (CDBG), HOME Investment Partnership and federal public housing programs also require recipient jurisdictions and public housing agencies to certify that they will affirmatively further fair housing. To be certified, HUD grantees must conduct a written analysis of impediments to fair housing choice within the jurisdiction (the Analysis of Impediments, or AI); take action to overcome the effects of any impediments identified through the AI; and maintain records reflecting both the AI and fair housing activities.

Fair housing means that individuals of similar income levels in the same housing market have a like range of housing choice available to them regardless of factors such as age, race, disability, or family status, and Rhode Island residents are protected under a number of federal and state fair housing laws (the federal Fair Housing Act, the Rhode Island Fair Housing Practices Act, Americans with Disabilities Act, for example). The State’s Office of Housing and Community Development, Rhode Island Housing and the State’s six largest cities, all of which receive federal housing and community development funding from HUD, have prepared such analyses for a number of years. Non-entitlement communities are not required to individually maintain AIs, but are covered by the State’s AI.

Impediments to fair housing choice include any actions, omissions, or decisions taken because of race, disability, family status, etc. (i.e., membership in a “protected class”), which restrict housing choices or the availability of housing choices or any actions, omissions, or decisions that have this effect. Fair housing laws cover all housing, not just subsidized housing.

This analysis includes a more detailed look at the impact of physical infrastructure (such as transportation, schools, public and assisted housing) on access to opportunity, the state’s fair housing enforcement infrastructure, demographics of diversity in Rhode Island, and patterns of racial/ethnic segregation (and integration).

¹ These requirements are found in Section 808(d) and (e)(5) of Title VIII.

Access to decent housing, safe neighborhoods, good schools, a healthy and safe environment, and other benefits are largely influenced by the community in which one is born, raised and resides. Rhode Island has a longstanding commitment to ensuring fair housing and equal access to opportunity for all residents, but segregation along economic/racial/ethnic lines remains an underlying cause of the persistent disparities among groups in their access to many quality of life opportunities. The state is certainly not alone in this regard. Housing markets in most major metropolitan areas are similarly segregated, and the findings of this assessment are consistent with prior research. In Rhode Island, disparities in opportunity especially affect the state's Latino and African American communities, and these disparities are most pronounced for children.

Background

Rhode Island's six largest cities, the State's Office of Housing and Community Development along with Rhode Island Housing have long had an obligation as recipients of federal housing and community development funds to prepare Analyses of Impediments (AI) to Fair Housing for their own jurisdictions. They typically do this every five years, and all were scheduled to update their AI in 2015. The six cities, called Entitlement Communities because they get funding directly from HUD, are: Cranston, East Providence, Pawtucket, Providence, Warwick, and Woonsocket. An Entitlement Community's obligation to prepare an Analysis of Impediments (AI) may be met through the preparation of an individual AI or through the preparation of a more comprehensive Regional AI, provided the Regional AI addresses both the impediments to fair housing choice in the participating jurisdiction and the broader regional impediments. This plan does that, and the six Entitlement Communities have participated in its preparation.

Most of the conditions and issues that impede full and fair access to housing choice for people of color, those with disabilities, families with children, and others are well known and widely acknowledged. Indeed, the State has pro-actively moved on a number of fronts to address these issues and disparities.

Current Response

In 1991, Rhode Island adopted the Low and Moderate Income Housing (LMIH) Act (§45-53). This statute provides for a streamlined permitting process for the development of long term affordable homes in communities where less than 10 percent of the year-round housing qualifies as such. Since the adoption of the LMIH Act, long term affordable housing has become more widely dispersed across the state. While reporting is incomplete, more than 65 developments – providing almost 1,500 units of affordable housing – were identified as having been approved under the comprehensive permitting provisions of the Act. Rhode Island is also among several states that require municipalities to identify how they will meet the housing needs of a diverse population across age, income and household type.

Over 200 new affordable housing units have been added annually to the Low and Moderate Income Housing Inventory over the past decade and an increasing share of that production has been in the state's non-urban communities. Nearly half of the new subsidized homes funded in 2013 were in non-urban areas, and 93 percent of them are providing much needed rental housing. Rhode Island has long provided for the siting of group homes for residents with disabilities in any residential district, and there was a net increase of nearly 300 group home beds during the same period.

In allocating housing subsidies and low income housing tax credits, Office of Housing and Community Development and Rhode Island Housing have followed a “both and” policy of expanding affordable housing – particularly affordable rental housing for families with children – in non-traditional (low

poverty, high opportunity) areas while continuing to strengthen poor urban neighborhoods, where the majority of Rhode Island's people of color currently live. This commitment is articulated in the State's 2014 Qualified Allocation Plan: "To counter the disinvestment in neighborhoods, Rhode Island Housing's development goals and resources will prioritize strategies to redevelop neighborhoods most heavily affected by the foreclosure crisis. Simultaneously we will endeavor to continue to provide affordable housing opportunities in communities where few opportunities currently exist."

All homes receiving federal or state assistance must be marketed according to affirmative fair marketing plans approved by Rhode Island Housing, and the agency has collaborated with others on a number of initiatives to expand awareness of housing opportunities and fair housing rights and obligations.

Notwithstanding these initiatives, and a long standing commitment to affirmatively furthering fair housing, more clearly remains to be done.

Key Findings

Importance of Fair Housing Statewide

The state, through its Office of Housing and Community Development jointly with Rhode Island Housing and its six largest cities have prepared their own analyses of impediments to fair housing over the years, but there is no ongoing, consistent coordination of fair housing activities across multiple jurisdictions. Nor has there been coordination among the many disciplines with roles to play in affirmatively furthering fair housing, such as fair housing enforcement, affordable housing development, regional planning, jobs planning, transportation, and health.

Even though fair housing has been embedded in various federal and state laws for more than half a century, the issue remains low in the public's consciousness. Many residents, including those protected by fair housing laws and those from whom they rent, buy, finance or insure their homes, may be unaware of the requirements of the federal and state laws. Municipal officials and others may fail to recognize structural barriers within the community that promote segregation.

The process for filing a discrimination complaint, though fairly straightforward, may appear daunting to some and for others brings up fear of retribution by their landlords. Rhode Island's affordable legal services and fair housing assistance programs are limited by funding constraints, and there has been very little done in recent years in the way of fair housing audits or testing. There are a number of organizations, initiatives and resources to assist those who believe they have been discriminated against, but there are major gaps, and redundancies, in the services they provide. The responsibilities of the various fair housing enforcement agencies are confusing and overlapping.

Recommended Strategies:

1. Establish a permanent Fair Housing Advisory Committee, which would be responsible for overseeing implementation of strategies, developing metrics and monitoring progress. The Committee would be a forum for coordinating fair housing policies and programs among agencies, municipalities and community partners. This will include working with agencies on the integration of fair housing principles into planning and funding decisions, including consideration of whether the outcome will reduce disparities and improve choices for protected classes. The Committee would also be responsible for periodically updating the strategies recommended in the AI and seeking partnerships with research institutions to improve metrics and explore fair housing and discrimination issues. The state Housing Resources Commission could lead this committee, which should at minimum include Rhode Island Legal Services,

Rhode Island Commission for Human Rights, representatives from entitlement communities, Public Housing Authorities, the Institute of Real Estate Management, Rhode Island Bankers Association, Rhode Island Mortgage Bankers' Association, Rhode Island Association of Realtors, the Housing Network of Rhode Island and Rhode Island Housing.

2. Entitlement Communities and the state will continue to take a regional approach to fair housing issues by regularly updating the Regional Analysis of Impediments to Fair Housing Choice which addresses fair housing issues in entitlement communities and the state as a whole.
3. Develop a set of metrics to measure disparities in living conditions and quality of life factors experienced by people within the classes protected by fair housing laws. The metrics may be used to guide planning activities and ensure the deployment of resources in an equitable manner.

Segregation, Concentrated Poverty and Access to Opportunity

Housing discrimination based on race, ethnicity, family status and disability is still a concern in Rhode Island. The highest level of segregation persists between Hispanics and Whites, a condition that grew progressively more pronounced between 1980 and 2000, but since 2000 has shown some improvement.

Racial separation, concentrated poverty and access to opportunity are inextricably linked. Even though there are more poor White people in Rhode Island than there are poor Blacks or Latinos, they do not live in the same communities, for the most part, and poor people of color predominate in Rhode Island's pockets of concentrated poverty. In fact, people of color, regardless of income, are far more likely to live in areas of concentrated poverty or neighborhoods that otherwise offer few of the amenities that are typically associated with opportunity.

Access to decent housing, safe neighborhoods, good schools, and other benefits is largely influenced by the community in which one lives. Rhode Island's racial/ethnic minorities, for the most part, live in areas that offer more limited access to opportunity, mirroring a pattern seen in much of the country.

On average, Rhode Islanders of color, particularly Latinos and Blacks, do have lower incomes and higher rates of poverty than White residents do, but these differences do not fully explain the racial and ethnic segregation, which has been an underlying cause of the disparities in access to opportunities associated with quality of life.

Disparities in opportunity are more pronounced for children. Not only do Latino and Black children grow up in separate neighborhoods than White children, they grow up in unequal neighborhoods. Almost 70 percent of Rhode Island's Black and Latino students today live in three communities: Providence, Pawtucket and Central Falls, all with school systems that face significant challenges not encountered in most of the state's suburban school systems. In contrast, African Americans and Hispanics represent fewer than 5 percent of the 5-17 year olds in 18 suburban and rural towns. In nine others, they represent between 5-10 percent.

In two areas of opportunity – access to jobs and access to transit – Rhode Island's communities of color are not disadvantaged, but access to job centers does not ensure employment. The disparity between Blacks and Whites and Hispanics and Whites in labor force engagement indicates that Rhode Island's communities of color do not fully benefit from their proximity to employment opportunities.

Recommended Strategies:

1. Continue to prioritize state investment in affordable housing in communities with limited housing options.

2. Provide technical assistance to municipalities to help them achieve 10% affordable housing goal and encourage a diversity of housing types and affordability.
3. Expand housing opportunities in areas of concentrated poverty through development of affordable deed-restricted housing or affordable market rate housing.
4. Revitalize and strengthen urban areas for the benefit of existing and future residents. Develop a process for negotiating Community Benefit Agreements for projects of state significance that receive state or local subsidies, to ensure that a project's positive impacts (housing, neighborhood improvements, jobs etc.) will benefit current residents.
5. Offer wealth building opportunities for residents living in subsidized housing. Expand Family Self Sufficiency and similar programs that help low-income households to achieve financial stability and build assets.
6. When state-level investments are provided to improve conditions in a low- or mixed-income area, couple these investments with a public process designed to identify strategies to ensure existing residents can remain in place as conditions improve.

Fair Housing Education

There is currently no organization in Rhode Island with sufficient staffing and resources that focuses on fair housing outreach, education, testing, advocacy, etc. to do both education and enforcement. The Rhode Island Commission for Human Rights (RICHR) has the statutory authority to undertake education and testing, including recently on compliance with state and federal laws related to persons with assistive animals. The RICHR conducted ten housing specific education/outreach sessions in Fiscal Year 2014, including a training on 'Mortgage and Predatory Lending'. Limited funds, however, render efforts such as public service announcements and large scale educational endeavors impossible. Representatives from RICHR, RI Legal Services, the RI Disability Law Center, and others all identified limited organizational capacity (staffing, funding) as a major barrier to more effective fair housing enforcement.

In part, as the result of resource limitations, the fair housing advocacy community in Rhode Island is not as active as it is in many states. Fair housing testing, auditing, education, and outreach efforts are limited. Anecdotal evidence suggests that a number of factors impede the ability of victims of discrimination to file complaints and pursue them through the administrative and judicial process. One area of growing concern is housing discrimination in internet advertisements and other non-traditional electronic media. Not only has discrimination been documented in the placement of internet advertisements, differential treatment is increasingly being reported by those responding to internet advertisements.

Recommended Strategies:

1. Create a Fair Housing Assistance Center for Rhode Island to support education, advocacy and enforcement efforts, including routine testing programs. Consider supporting the expansion of an existing organization, such as Rhode Island Legal Services, to perform this function. Research current programs operating in Massachusetts and Connecticut as potential models.
2. Expand outreach to real estate industry trade groups and practitioners for their input and involvement in fair housing education activities. Collaborate with these groups to provide ongoing training regarding fair housing issues and requirements. These training sessions should be widely publicized and offered in Spanish as well as English.
3. Update the Fair Housing Rhode Island Technical Assistance kit.
4. Update the Landlord Tenant handbook to reflect changes to all relevant fair housing laws and requirements.

Housing Need and the Allocation of Assisted Housing Resources

More than 36,000 Rhode Island households were deemed to have “worst case needs,” based on the 2006-2010 CHAS data. That means they were renters earning less than 50 percent of the area median income and paying more than half their income for housing and/or experiencing other housing problems such as overcrowding or substandard conditions. While HUD does not consider homeowners with the same income and housing characteristics to have “worst case needs,” there were more than 19,000 homeowners who earned less than 50 percent of area median income (AMI) and had severe cost burdens or other problems.

Housing problems like high cost burdens and/or inadequate conditions do not impact all racial and ethnic groups equally. Among very low income renters, Asians experience the highest incidence of “worst case needs.” They are also the group with the lowest participation rate in housing assistance programs.

Moving up the income ladder, the differences among the groups are more pronounced. Black and Latino owners experienced housing problems at two to three times the rate of their White counterparts. While all racial and ethnic groups experience proportionately fewer housing problems as they move up the economic ladder, people of color – both renters and homeowners – continue to report problems at a substantially higher rate than their White counterparts.

Rhode Island has a substantial inventory of nearly 37,000 long term affordable (subsidized) housing units that provides a safety net for many of the state’s lowest income residents. In addition, there are currently more than 9,000 federal rent vouchers being used by families and individuals to secure affordable housing in the private market. Almost 26% of the assisted inventory in Rhode Island is public housing, owned and managed by one of Rhode Island’s local housing authorities. There are 25 local public housing authorities (PHAs) in Rhode Island, providing housing to more than 9,000 of the state’s lowest income residents. Still, the need exceeds the supply, and it is increasingly difficult to “grow” the inventory in the absence of deep federal housing subsidies

Rhode Island’s subsidized housing inventory is concentrated in its cities, with Providence accounting for 29 percent of the units, and 37 percent of those not restricted to occupancy by elders or those with disabilities. Fully 47 percent of the state’s family public housing is located in Providence. While the concentration of assisted housing in segregated, high poverty areas is in part a legacy of past siting decisions, the same patterns persist in current programs.

Just 15 percent of non-Hispanic White households, but 44 percent of Black and 56 percent of Latino households living in public or subsidized housing developments (excluding those reserved for the elderly and disabled) live in high poverty, racially concentrated areas (RCAPs). The comparable figures for the much smaller Asian and Native American populations are 25 and 22 percent, respectively. Even among tenants assisted with federal Housing Choice Vouchers (HCVs), there are significant disparities among racial/ethnic groups in the share of tenants living in RCAPs. Just 7 percent of non-Hispanic White voucher households live in RCAPs, while 27 percent of African American and 31 percent of Hispanic voucher households do (as do 29 percent of Asian and 23 percent of Native American voucher holders, though these shares are based on a very small number of participants).

Recommended Strategies:

1. Provide information in multiple languages on affordable housing opportunities throughout the state. Update the Rhode Island Housing Rental Resource Guide and post it online in multiple languages.
2. Implement a housing mobility assistance program to help connect low-income Rhode Islanders and those in protected classes to affordable housing opportunities throughout the state, with a particular focus on tenants with rental assistance vouchers.

3. Work with Rhode Island Housing and other Public Housing Authorities to reduce barriers to the utilization of tenant-based rental vouchers in high opportunity areas. These efforts should include educating landlords about the benefits of accepting tenants with rental assistance and increasing the % of fair market rents (FMR) available to landlords if necessary.
4. More effectively promote the Housing Locator (HomeLocatorRI.net) to improve utilization by private landlords and Rhode Islanders searching for an affordable home. Provide technical assistance on developing anti-displacement strategies for areas in which development is occurring or desired.
5. Work with the resident organizations and advisory boards of Public Housing Authorities to provide a platform for residents to voice concerns and help residents connect with important services and opportunities such as mobility assistance and wealth building strategies.

Housing Market Conditions Affecting Fair Housing

Disparities in Homeownership: Homeownership is the primary means of building wealth for most Americans, yet households of color – Blacks and Latinos, in particular – have much lower homeownership rates than White households. In Rhode Island in 2010, 27 percent of Latino households, 32 percent of Black and 47 percent of Asian households were homeowners, compared to 67 percent of White households. Only in New York and Massachusetts is the disparity between the White homeownership rate and that of households of color greater.

As recently as 1990, there were fewer than 8,600 homeowners of color in Rhode Island. Minorities have made substantial gains in homeownership since 1990, and by 2010 there were nearly 24,000 homeowners of color. The biggest gain was in Latino ownership, which more than tripled during this period, but these gains have been eroded since 2007 as a disproportionate number of minorities who bought or refinanced their homes during the housing bubble have now lost them, or are at risk of losing them, to foreclosure.

Concentrated Minority Homebuying: Minority homebuying during the housing boom was much more concentrated than White homebuying with nearly three quarters of the net gain in Latino and Black homeownership between 2000 and 2010 occurring in just five cities [Providence, Cranston, Pawtucket, Warwick, and Central Falls (Latino) and North Providence (Black)]. There may be many reasons for the high degree of clustering of Black and Latino homeowners, including personal choice and the lower cost of homes in these concentrated areas.

Mortgage Lending Practices: Black and Latino borrowers were much more likely than White borrowers to have received subprime loans during the housing bubble of the early 21st century. For example, in Rhode Island, in 2005 the subprime loan shares were 64 percent for Blacks and 66 percent for Hispanics compared to 22 percent for Whites and 27 percent for Asians. Subprime loans were more prevalent in lower income neighborhoods and among lower income borrowers, but even comparing applicants with similar income profiles, minorities were more likely to receive high cost loans.

While subprime lending had ceased to be a major factor in mortgage finance in Rhode Island and elsewhere by the end of 2008, there remains a race-associated disparity in conventional lending between non-Hispanic Whites and Blacks and Latinos and a persistent gap in the denial rates. Government-backed loans (FHA-insured or VA-guaranteed loans, or GBLs) are now the primary product for borrowers unable to get approved for, or afford, a conventional mortgage, and Black and Latino borrowers receive disproportionately more GBLs than do White and Asian borrowers.

Concentrated Foreclosures: Foreclosures have had a devastating effect on Rhode Island homeowners and entire communities, and they continue to weigh heavily on the housing market. At the end of the third quarter of 2013, just under 8 percent of mortgaged owners were behind on their mortgage payment.

Almost 7 percent were seriously delinquent, meaning they were more than 90 days past due or in the process of being foreclosed. While down from its year- end 2009 peak, when the comparable rates were 11 percent and 9 percent, this still leaves approximately 10,000 owners struggling to meet their mortgage obligation, with more than 8,700 – the seriously delinquent – at real risk of losing their homes.

The state's Black and Hispanic neighborhoods have been particularly hard hit by the foreclosure crisis. The widespread subprime lending in Rhode Island's communities of color during the late 1990s and early part of the 2000s decade led to a concentration of foreclosures in these neighborhoods, eroding the gains in minority homeownership and the stability of entire neighborhoods.

The 2013 American Community Survey estimated that while the number of owners of color increased between 2007 and 2013, the share of Black and Latino households who own their homes has fallen by 6.7 and 3.1 percentage points, respectively. The share of non-Hispanic White households who own also fell by 1.8 percentage points, but the drop was from a much higher 69.1 percent homeownership rate. The Asian homeownership rate is estimated to have risen modestly over the same six year period – 2007-2013 – from 46.2 percent to 46.9 percent. While the data on foreclosures continues to be regularly updated, many of the issues and challenges remain the same.

Recommended Strategies:

Improve access to homeownership

1. Actively promote Rhode Island Housing home loans, offered through the Rhode Island Housing loan center and the network of participating lenders throughout the State, particularly in neighborhoods with high concentrations of minority populations. Rhode Island Housing has special products for non-first time home buying in certain census tracts with concentrated areas of minority population (targeted census tracts), and will continue to work with lenders to better engage these communities.
2. Continue to support and expand homebuyer and landlord training, financial literacy and foreclosure counseling classes. These opportunities must include services and resources in multiple languages and in multiple engagement formats.

Inform and improve mortgage lending practices

1. Use HMDA data to track trends in home buying and mortgage lending over time. Identify lenders with high rates of loan denials involving members of protected classes and utilize the Community Reinvestment Act to influence lender conduct. The Fair Housing Advisory Committee will work to identify a non-profit or academic partner to undertake this research project on an annual or biennial basis. Poor performers should be noted but improvements by lenders should also be spotlighted.
2. Working with industry partners, the Fair Housing Advisory Committee will work to recommend changes to state or federal lending policies or programs to address challenges to minority homeownership identified through research and data analysis.

Address the ongoing foreclosure crisis

1. Work through community-based organizations, such as DARE, to educate renters and homeowners about the state's new foreclosure protection laws and resources including foreclosure mediation, 'just cause' protection for tenants of foreclosed properties and free homeowner counseling through Rhode Island Housing's Help Center and other non-profits.
2. Make permanent the state's foreclosure mediation law (§34-27-3.2), which developed a statewide process for foreclosure mediation for homeowners who fall behind on their mortgage.

3. Engage in testing for compliance with federal and state protections for homeowners and tenants in properties at risk of foreclosure or in the process of being foreclosed, including bank-owned properties.
4. Raise awareness about the Boston Community Capital SUN, or Stabilizing Urban Neighborhoods, foreclosure prevention program that works to prevent the displacement of families and the neighborhood destabilizing effects of vacancy and abandonment. Under the program, a subsidiary of Boston Community Capital acquires a foreclosed property before an eviction occurs and then resells the home to the existing occupant with a mortgage (s)he can afford. The program was begun in Massachusetts, but began accepting inquiries from Rhode Island homeowners in the summer of 2014. While no Rhode Island loans had closed as of November 2014, nearly 50 homeowners facing foreclosure have requested assistance.
5. Raise awareness and provide education about the Federal Housing Administration's new program, "Back to Work – Extenuating Circumstances", which shortens the waiting period and provides opportunity for a new home loan following a foreclosure, short sale, deed-in-lieu of foreclosure, or declaration of bankruptcy .

Housing Needs of People with Disabilities

Many Rhode Islanders with disabilities continue to live in segregated, institutional settings or inaccessible housing. Most people with disabilities, however, do not live in institutional settings, but in communities across the state. They are a diverse group of individuals, and many depend on state-supported programs.

An estimated 13 percent of Rhode Island's civilian non-institutionalized population reports some type of disabling condition, and nearly half of those report a disability having two or more such conditions. The 2011 ACS reported that there were more than 51,000 residents age 65 or over with one or more disabilities and nearly 65,000 between the ages of 21 and 65. There are also almost 7,000 disabled children (under 18) whose disabilities may pose housing challenges for their families.

The Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals works with a statewide population of 4,000 adults with developmental disabilities, about half of whom live with their families. The Division of Developmental Disabilities offers housing options in over 1,000 community settings for approximately 2,000 people. Settings include apartments, adult foster care placements, rental condos, group homes with care levels ranging from 24-care to minimal support.

The State does not currently have an Olmstead Plan, which is the vehicle by which most states document their plans for providing services to individuals with disabilities in the most integrated setting appropriate to the individual and the timeframe for doing so. This is an opportunity to better address the fact that developmentally disabled persons and those with mental illness have a particular problem finding housing.

The prevalence of disability rises dramatically with age, and nearly half of the population 75 years or older reports some type of disability. With the state's aging population, the number of people with disabilities is growing, as is the challenge of serving them.

Disability discrimination related to assistive animals: The Rhode Island Commission for Human Rights reports that the increase in "denial of reasonable accommodation" allegations stems from requests by individuals with a disability seeking an exception to a housing provider's policies regarding pets (e.g., "No pets" policy, restriction on size of pets, restriction on number of pets).

Recommended Strategies:

1. Re-convene the Olmstead Commission with the mandate to develop a comprehensive plan for serving Rhode Island residents with disabilities in the most integrated setting possible. This is an opportunity to better address the fact that developmentally disabled persons and those with mental illness have a particular problem finding housing. The commission will work to identify specific strategies to assist people with disabilities residing in institutions or other segregated settings to transition to community-based settings and to support their integration into the community. The plan would include funding sources and accountability measures.
2. Allocate sufficient resources to carry out the objective of creating new units of permanent supportive housing for people in institutions and at risk of institutionalization.
3. Rhode Island Housing, Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Healthcare (BHDDH) and the Executive Office of Health and Human Services (EOHHS) shall work together to implement the HUD Section 811 pilot program to integrate housing for persons with disabilities in affordable housing with supportive services.
4. Support community integration for people with disabilities through the provision of quality housing, transportation and supportive services.
5. Promote the use the HomeLocatorRI.net website for affordable housing by accessibility features.
6. Encourage local Comprehensive Plans to address how the housing needs of people with disabilities, including those with significant disabilities, can be addressed. Provide training to local officials on rules and standards related to housing accessibility and discrimination and technical assistance materials that can help local governments update local zoning and land development regulations in a way that better addresses accessibility for people with disabilities.
7. Increase funding for the Access Independence program, which is funded through BHDDH and administered by Rhode Island Housing and provides loans to households in need of making crucial upgrades for accessibility improvements. Currently, only about 12 loans can be made per year with the annual \$150,000 appropriation.
8. Expand training on reasonable accommodations/modifications for staff and providers such as local housing authorities, community action agencies, etc. Continue funding and support expansion of existing programs to create permanent supportive housing for people with disabilities.
9. Advocate for the restoration of budget cuts to programs that provide supportive services to people with disabilities in community-based settings.
10. Expand the *Rhode to Home* Money Follows the Person (MFP) demonstration program. The program, the goal of which is to improve housing and services options for individuals transitioning from institutions into the community, is administered through the Department of Human Services.

Physical Infrastructure, Zoning and Land Use

Zoning and Land Use: Local regulations, including a preponderance of single family zoning and the absence of by-right multi-family options can reduce the availability of any rental units and therefore disproportionately restrict access to lower income individuals. This lack of housing that is affordable to many low-and moderate-income Rhode Islanders in many suburban and rural towns, and the barriers to creating new housing, is what led the state to enact the Low and Moderate Income Housing Act in 1991, establishing the goal that all municipalities maintain a minimum level of housing stock that is long-term

affordable for low- and moderate- income households and to plan for – and implement – measures to achieve their goal.

The state has made substantial strides in expanding affordable rental housing opportunities in low-poverty suburban and rural communities in recent years, however, often invoking the comprehensive permit provisions of its Low and Moderate Income Housing Act, which permits a limited override of restrictive local zoning.

Beyond the Act’s comprehensive permit provisions, however, there are few statewide programs that provide incentives to communities for creating this kind of affordable housing (protection against additional school costs arising from the development of such housing, or priority for other types of funding such as environmental protection, open space or recreation purposes, for example).

Lack of public transportation Lack of public transportation is a significant impediment to fair housing choice. Transportation access for employment is vital for all persons and the elderly or disabled are particularly dependent on transit systems for their independence. Limited and decreasing access to transportation in many communities outside the urban core further restricts housing choice.

Recommended Strategies:

1. Community Comprehensive Plans are required within the State of Rhode Island and are important in ensuring that an appropriate mix of housing opportunities is provided at the local level. Clear standards and guidelines are needed however to assist municipalities in achieving associated fair housing goals and should be put forward and acted upon as soon as possible.
2. Update training materials previously developed around topics such as inclusionary zoning techniques; expand these to encourage the provision of by-right multi-family housing and deploy them as a means of furthering the obligation to analyze and modify rules, policies, and practices that may have potential discriminatory effects.
3. Work to provide incentives that spur the production of multi-family affordable housing units within locally designated and state approved growth centers.
4. Continue to actively train elected officials, governmental staff and property managers/developers on affirmatively furthering fair housing obligations and opportunities, as well as promoting inclusiveness in processes and decision-making. Emphasize topics such as those mentioned above as well as others such as affirmative marketing requirements and resident selection policies.
5. Provide technical assistance to communities on developing anti-displacement strategies for areas in which development is occurring or desired.
6. Work with RIPTA to site transit service near low- to moderate-income housing and near job centers to help create the essential housing/transit/jobs linkage.

Other Barriers to Housing Choice

Limited Awareness of Options: Waiting lists for housing assistance are maintained locally, limiting the ability of those living in one community from seeking housing opportunities elsewhere in the state. Local preference policies can also be an impediment to fair housing.

Prejudice and Bias: While not directly related to housing complaints, hate crimes – violent acts against people, property, or organizations motivated by a bias related to victim’s race, ethnicity, religion, gender, sexual orientation, national origin, or physical or mental disability – are another barometer of discrimination. The persistence of hate crimes underscores the need to address assumptions and fears about race, ethnicity, disability, and the other characteristics protected by civil rights laws. Left

unaddressed, unfounded assumptions and fears about members of protected classes are an impediment to housing choice. Between 2008 and 2012, a total of 127 hate crimes were reported by law enforcement from across the state, averaging about 25 per year. More than one-third of the reported incidents appear motivated by bias against the victim's sexual orientation. Anti-Black bias was the next most common bias-motivated crime, followed by anti-Hispanic and anti-Jewish.

Language Barriers: Immigration has been a major factor in the increase in racial and ethnic diversity, and language barriers may limit the reach of fair housing education efforts to the state's large immigrant population. Foreign born households, especially recent arrivals, are more likely than native born households to face economic challenges in addition to linguistic ones.

Lead Paint: Although the prevalence of lead poisoning in Rhode Island has steadily declined, a total of 355 children were lead-poisoned in 2010. In order to decrease prevalence in the future, Rhode Island must continue to promote policies to increase lead-safe affordable housing. It is illegal under the Fair Housing Act to not rent to families with children (unless the property is otherwise exempt as housing for older persons, for example) whether or not the property has undergone lead hazard control treatment. If a unit has not undergone lead hazard control treatments, the housing provider must advise the family of that fact, but may not decline to allow the family to occupy the unit because the family has children.

Source of income discrimination: Source of income (SOI) discrimination has long been identified as a barrier that limits where voucher holders can live, but it is not currently covered under federal or Rhode Island law. The Rhode Island Commission for Human Rights has noted an increase in recent years in discrimination allegations on the basis of source of income, but since this is not covered under federal or state law, the Commission is unable to assist these alleged victims of discrimination.

Re-entry Barriers for Ex-offenders: An area of growing area of concern is the challenges faced by ex-offenders re-entering the community following incarceration. Ex-offenders often face special challenges and limited housing options. Many experience rejection from families and friends, and they are often barred from public and private housing. While ex-offenders are not a protected class, members of protected classes are disproportionately represented among them. Property owners, including public housing authorities, have considerable discretion in determining when and if they will rent to ex-offenders and how they will balance the goal of family reunification with other concerns.

Recommended Strategies:

Source of Income Discrimination

1. Amend the state Fair Housing Practices Act to include "source of income" as a protected class so it would be illegal for landlords to discriminate against tenants based on their source of income.
2. Expand education and outreach to landlords in low poverty, high opportunity areas about the Housing Choice Voucher program and how it may benefit them as well as the tenants being assisted.

Increase access to healthy housing

1. Educate tenants and landlords about the state's laws pertaining to safe and healthy housing, particularly with respect to lead laws and code violations. Raise awareness about the anti-retaliation measures within the Residential Landlord and Tenant Act (Title 34-18-64), which prevents landlords from evicting or raising the rent on tenants that report code violations.

2. Increase participation rate in lead-safe and lead-free certification programs. Tie participation to incentives. Research the degree to which participation has occurred and how it progresses on a yearly basis while leveraging the research that the Providence Plan is already doing relative to this issue of non-compliance with lead laws.
3. Support permanent funding streams from the state for lead mitigation programs and continue to strengthen programs dedicated to making existing homes cleaner, safer and more energy efficient. Support Rhode Island Housing, Housing Resources Commission, Rhode Island Office of Energy Resources, Rhode Island Public Utilities Commission, National Grid, Rhode Island Department of Human Services and other key agencies, providing the funding and personnel necessary to effectively distribute these resources. Working through the Rhode Island Alliance for Healthy Homes and other vehicles, the state should seek to coordinate and leverage existing funding sources and explore opportunities to attract private capital to invest in housing stock upgrades.

Improve fair housing enforcement

1. Increase funding for the Rhode Island Commission for Human Rights to support their enforcement efforts, including routine testing programs.
2. Strengthen education to landlords, tenants, banking and lending institutions, and the general public about fair housing laws. Property owners and managers need to be informed of fair housing laws and know that enforcement mechanisms are in place. Renters and homebuyers should also be aware of their fair housing rights and responsibilities. One area of particular confusion involves protections for families with children when the property contains lead paint. Another involves requests for reasonable accommodation related to assistive animals

Institutional barriers for ex-offenders

1. The working group established by Interagency Council on Homelessness shall continue to study this issue and make recommendations in consultation with public housing agencies, owners or managers of privately-owned subsidized housing, an agency providing reentry services to ex-offenders, the Rhode Island Department of Corrections, and Rhode Island Legal Services.

Entitlement Communities

The Regional AI approach acknowledges that many fair housing issues and impediments are best addressed at the regional or statewide level. Addressing them requires the collaboration of the State's Entitlement jurisdictions (Cranston, East Providence, Pawtucket, Providence, Warwick, and Woonsocket), state and federal funding agencies, fair housing service providers, lenders, real estate professionals, and other state agencies. However, there continue to be local impediments and issues that require action on a local level. These are outlined in Chapter 7, *RI's Entitlement Communities: Partners in the Regional AI*.

Chapter 1: Introduction

Statement of Purpose

The objective of the Regional Analysis of Impediments (Regional AI), in addition to ensuring full compliance with all fair housing laws, is to assure that fair housing considerations inform Rhode Island's long-range planning, policies and investment decisions leading to a reduction in segregation and concentrated poverty and expanded access to opportunity for all residents.

Ensuring full and fair access to housing requires constant attention to the conditions that affect housing choice and a willingness to implement corrective actions as needed when issues are identified. While the state, through its Office of Housing and Community Development (OHCD) and Rhode Island Housing, and its six largest cities (Entitlement Communities) have prepared their own analyses of impediments to fair housing over the years, there is no ongoing, consistent coordination of fair housing activities across multiple jurisdictions. Nor has there been coordination among the many disciplines with roles to play in affirmatively furthering fair housing, such as fair housing enforcement, affordable housing development, residential property management, regional planning, jobs planning, transportation, and health. This Regional AI, prepared under a Sustainable Communities Regional Planning Grant from HUD, provides an opportunity to fill that void.

What Is Meant by Fair Housing and Why Is It Important

As used throughout this assessment, fair housing is deemed to be a condition in which individuals of similar income levels in the same housing market have a similar range of housing choice available to them regardless of age, race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, sexual orientation, or any other arbitrary factor. Housing plays a major role in defining a person's quality of life, and equal access to housing is fundamental to meeting one's essential needs and pursuing one's personal, educational, employment or other goals. Because housing choice is so critical, fair housing is a goal that government, civic leaders and private citizens must embrace if equality of opportunity is to become a reality.

Who Is Protected Under Fair Housing Laws

Rhode Island residents are protected under federal and state fair housing laws. The major federal fair housing law is the Fair Housing Act (Title VIII of the Civil Rights Act of 1968). The Fair Housing Act protects against discrimination based on race, color, religion, sex, disability, familial status, or national origin. The Rhode Island Fair Housing Practices Act (R.I.G.L. 34-37) makes it illegal to discriminate on these bases and also adds the following criteria for protection: ancestral origin, age (18+), marital status, sexual orientation, gender identity/expression or status as a victim of domestic abuse. Persons who are protected from discrimination by fair housing laws are referred to as members of "protected classes." There are many other important statutes (the 1990 Americans with Disabilities Act, for example), Presidential orders, and federal memoranda and guidance that also protect an individual's right to fair housing and equal opportunity. (**Appendix 1.1** includes a Fair Housing Primer that identifies these regulations and the practices they prohibit.)

The Obligation to Affirmatively Further Fair Housing

The federal Fair Housing Act specifically requires all agencies of the federal government administering programs involving housing and community development to act "in a manner affirmatively to further the

policies of [the Fair Housing Act].” The Act directs the U.S. Department of Housing and Urban Development (HUD) to further fair housing in all of its funding programs and assigns it a lead role among all federal agencies for this purpose.²

The regulations governing the Community Development Block Grant (CDBG), HOME Investment Partnership and federal public housing programs also require recipient jurisdictions and public housing agencies to certify that they will affirmatively further fair housing. To be certified, HUD grantees must conduct a written analysis of impediments to fair housing choice within the jurisdiction (the Analysis of Impediments, or AI); take action to overcome the effects of any impediments identified through the AI; and maintain records reflecting both the AI and fair housing activities. An AI is a review of a state or entitlement jurisdiction’s laws, regulations, administrative policies, procedures, and practices and an assessment of how they affect the location, availability, and accessibility of housing. Jurisdictions are required to update the AI where necessary and document progress in its annual Consolidated Annual Performance and Evaluation Report (CAPER).

Impediments to fair housing choice include any actions, omissions, or decisions taken because of race, disability, family status, etc. (i.e., membership in a “protected class”), which restrict housing choices or the availability of housing choices or any actions, omissions, or decisions that have this effect. Policies, practices, or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to persons because of race, ethnicity, disability, and families with children may constitute such impediments. Fair housing laws cover all housing, not just subsidized housing.

U.S. Supreme Court Rules on Disparate Impact

On June 25, 2015, the Supreme Court upheld (5-4) the concept of “disparate impact” under the Fair Housing Act (“FHA”) in *Texas Department of Housing & Community Affairs v. The Inclusive Communities Project, Inc.*, while also imposing limitations on the application of disparate impact in practice.

According to SCOTUSblog, in a disparate impact claim, a plaintiff may establish liability, without proof of intentional discrimination, if an identified business practice has a disproportionate effect on certain groups of individuals and if the practice is not grounded in sound business considerations. The Court, however, imposed important limitations on the application of the theory “to protect potential defendants against abusive disparate-impact claims.” In particular, the Court held that a racial imbalance, without more, cannot sustain a claim, and directed lower courts to “examine with care” the claims at the pleadings stage. The Court emphasized the plaintiff’s burden to establish a “robust” causal connection between the challenged practice and the alleged disparities. Further, a defendant’s justification is “not contrary to the disparate-impact requirement, unless ... artificial, arbitrary, and unnecessary.” Finally, “remedial orders” must “concentrate on the elimination of the offending practice” through “race-neutral means.”

The remainder of this Analysis of Impediments is mindful of this Supreme Court decision. As discussed throughout this document, but particularly in Chapters Two and Three, data clearly indicates that disparities persist along racial and other lines all over Rhode Island. While the State has made great progress on this front compared with other parts of the country, particularly around fair housing policy, it still has a long way to go in truly extending opportunity to all its residents.

² These requirements are found in Section 808(d) and (e)(5) of Title VIII.

Scope of the Regional Analysis of Impediments

The Regional AI covers the entire State of Rhode Island. Particular attention is focused on raising awareness of high poverty census tracts, majority minority tracts and those undergoing racial/ethnic change (becoming increasingly segregated or increasingly integrated). It also assesses conditions within the six Entitlement Communities, six housing submarkets and by type of community (urban core, urban ring, suburban, and rural).

The most common geography for analyzing and comparing fair housing conditions nationwide is the metropolitan area. All of Rhode Island is included in the Providence-Warwick, RI-MA metropolitan area (formerly Providence-New Bedford-Fall River), the nation's 38th largest metropolitan area. Rhode Island represents two-thirds of the Providence metro area population, and conditions there are a reasonable proxy for conditions in Rhode Island.

This Regional AI meets the current requirements governing Analyses of Impediments (AI) to Fair Housing Choice. It includes a comprehensive review of laws, regulations, and administrative policies, procedures and practices and an assessment of how they affect the location, availability, and accessibility of housing. It assesses conditions, both public and private, that affect fair housing choice. And, it sets forth an appropriate action plan to overcome the effects of any impediments identified through the analysis. Within this Regional AI, there tends to be more discussion on certain protected classes including race, color, disability and national origin as there is more measurable data available for analysis. However, this does not minimize the importance of ensuring access to fair housing for all protected classes.

Rhode Island's Entitlement Communities have long had an obligation as recipients of federal housing and community development funds to prepare Analyses of Impediments for their own jurisdictions, typically every five years.³ These six cities are Cranston, East Providence, Pawtucket, Providence, Warwick, and Woonsocket. The State's Office of Housing and Community Development (OHCD) is similarly obligated to prepare an AI for the balance of the state. An Entitlement Community's obligation to prepare an Analysis of Impediments may be met through the preparation of an individual AI *or* through the preparation of a more comprehensive Regional AI, provided the Regional AI addresses *both* the impediments to fair housing choice in the participating jurisdiction *and* the broader regional impediments. This plan does that, and the six Entitlement Communities have participated in its preparation and may now sign onto its findings and recommendations. **Appendix 1.2** indicates which Rhode Island communities receive federal housing and community development funding.

This comprehensive Regional AI has been completed at the Statewide level for a number of reasons, including:

- The most intractable fair housing issues can *only* be resolved on a regional basis. Because of Rhode Island's compact size, the region and state are synonymous. The state has a single labor market that comprises all of its 39 cities and towns.

³ Cities with populations of at least 50,000 are entitled to receive annual grants directly from HUD. The amount of each entitlement grant is determined by a statutory dual formula that uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas. Entitlement communities develop their own programs and funding priorities as long as they meet the same broad national objectives that govern the statewide program.

- Rhode Island already has a long history of fair housing policy. It has a comprehensive statewide planning program and a legislated “fair share” low and moderate income housing goal. Municipalities are required to identify in their local comprehensive plans how they will meet the housing needs of a diverse population across age, income and household type. Rhode Island has long provided for the siting of group homes for residents with disabilities in any residential district. In allocating housing subsidies and low income housing tax credits, the State has followed a “both and” policy of creating more affordable housing in non-traditional (low poverty) areas where few opportunities currently exist while continuing to redevelop those neighborhoods most heavily affected by poverty, the foreclosure crisis, and other ills.
- OHCD, the entity managing the fair housing planning is also the entity that administers the federally funded housing and community development programs for the state and staffs the State’s Housing Resources Commission. As such, it already has an obligation to affirmatively further fair housing. OHCD coordinates closely with Rhode Island Housing, the state’s housing finance agency, on housing policies, programs and funding decisions, and Rhode Island Housing implements many of the state’s housing and planning initiatives on behalf of OHCD.

Fair Housing v. Affordable Housing

The specific obligation to “affirmatively further fair housing” is linked to programs that are designed to create affordable housing. HUD policies and regulations, however, as well as established case law, make it clear that fair housing planning must consider all public and private sector actions, omissions, and decisions that restrict housing choice in violation of fair housing laws. Even though “fair housing” and “affordable housing” are distinctly separate concepts in law and public policy, they are interrelated.

Terminology and Methodology

The Regional AI uses the U.S. Census Bureau’s categorization of race (White, Black, Asian, and Native American) and ethnicity (Hispanic). The Census uses the term minority to refer to people who reported their ethnicity or race as anything other than non-Hispanic White alone in the decennial census. The term people of color (or populations of color), and minority are used interchangeably, as are the terms Latino and Hispanic. Race and Hispanic origin (ethnicity) are separate and distinct concepts defined by the U.S. Office of Management and Budget. Hispanics may be of any race or combination of races. Unless otherwise noted, the terms White, Black, Asian, and Native American refer to non-Hispanic members of those races. In 2010, 9 percent of Rhode Island’s Hispanic householders identified their race as Black and less than one percent as Asian. Most Rhode Islanders who identify as Hispanic describe their race as White (41%) or “other” (46%). Just 1.6 percent of Rhode Islanders are non-Hispanic Native Americans (this designation includes American Indians and Alaskan Natives) and 0.2 percent are non-Hispanic Native Hawaiians or Other Pacific Islanders. Because of the small numbers in these groups, our analysis focuses on the four major groups: Hispanics and non-Hispanic Whites, Blacks, Asians.

Throughout this analysis, census tracts are often used as a way to analyze data at the neighborhood scale. Census tracts are small, relatively homogenous and relatively permanent statistical subdivisions defined by the U.S. Census Bureau (containing, on average, about 4,000 people). They do not always align with local neighborhood definitions, but they provide a reasonable proxy and are widely used by demographers, social scientists and policy makers. Rhode Island had 240 populated census tracts in 2010. Census tract data is used in this analysis to get a better understanding of where certain issues and disparities are most pronounced. However, no corrective actions or mandates will be required at the census tract level. The terms municipality and community also are used interchangeably.

Outreach and Engagement

Extensive public outreach and engagement was conducted between 2013 and 2014 on issues ranging from economic development to housing. This included traditional public forums, as well as new efforts to get input and ideas from people who have not participated in traditional public meetings in the past. Chapter 8 outlines outreach and engagement in more detail.

Organization of the Document

In addition to an executive summary and this introduction, the Regional AI includes the following sections:

- *Chapter 2: Community and Housing Profile* examines fair housing demographics and household trends, particularly as they affect housing choice for the state's increasingly diverse population. The history of segregation, current trends, and factors that have contributed to racial separation is examined. Trends in concentrated poverty and the consequences of living in economically distressed neighborhoods are explored.
- *Chapter 3: Access to Opportunity* examines neighborhood characteristics that expand or limit opportunity. These include community safety, quality of schools, environmental quality, and access to jobs.
- *Chapter 4: Impediments to Fair Housing* discusses a series of issues that limit fair housing choice, perpetuate racial/ethnic separation and/or the concentration of poverty, and restrict access to opportunity for protected classes. These impediments were identified through the research conducted as part of this assessment, including the extensive public outreach that was an important part of the process, and often were not new discoveries. In fact, many have been identified in current and previous Analyses of Impediments and the State has already taken steps to address a number of them.
- *Chapter 5: Fair Housing Enforcement and Infrastructure* includes a description of the administrative structure of fair housing enforcement in Rhode Island and summarizes the discrimination complaints filed over the past five years and their outcomes. It also discusses other indicators of prejudice and discrimination, such as hate crimes and fair housing audits, and describes the various organizations working to expand fair housing choice.
- *Chapter 6: Recommendations* includes specific actions that may be taken to address these impediments; and identifies the entities that could work to address and overcome them.
- *Chapter 7: Rhode Island's Entitlement Communities: Partners in the Regional AI* includes specific actions at the jurisdiction level to address local impediments within the Entitlement Communities.
- *Chapter 8: Deliberation and Community Engagement* documents the public's participation in the preparation of the Regional AI.

Appendices: The appendices provide a guide to fair housing, summary of public comment, additional detailed demographic data, and profiles on the Entitlement Communities.

A draft of the Regional AI was circulated on June 24, 2015 and a 30-day public review and comment period began on July 8, 2015. Public input has been incorporated into the final document. Written comments received from the public are included in **Appendix 1.3**.

Chapter 2: Community & Housing Profile

2.1: Racial and Ethnic Characteristics of Rhode Island

This section provides the economic and demographic context for the discussion of housing opportunity and impediments to fair housing choice. Highlights of the data analysis are presented in this section. More detailed tables can be found in the **Appendix 2.1**. Profiles of the Entitlement Communities are included in **Appendix 2.2**.

Slow Growth and Increasing Diversity

As of July 2014, Rhode Island's estimated population was 1,055,173. Population is highest in and around the state's largest cities and along Narragansett Bay. Likewise, population densities are highest in our traditional population centers such as Providence, Pawtucket, and Newport. Rhode Island is one of the slowest growing states in the nation. Since 1980, it has maintained a population of just over 1 million and has grown by approximately 100,000 residents since 1970, an increase of less than 11%. Between 2000 and 2010, the state gained just 4,200 residents. This rate of growth – just 0.2% since 2000 – ranks 49th among all states for this period.

Rhode Island has grown increasingly diverse since 1980. In 1990, non-Hispanic Whites represented 89 percent of the population. By 2010, the non-Hispanic White population had dropped to 76 percent. This change reflects an absolute decline in White population combined with a growing minority population. The White population is expected to continue to drop to 72 percent by 2020 and fall below 60 percent by 2040.⁴ Rhode Island currently ranks 23rd among states in the percent of population that is minority.

The most significant population shift over the past 20 years has been the increase in the Latino population. **Table 2.1**, which shows the absolute change and rate of change by decade of each of the major racial/ethnic groups, documents the shifting racial and ethnic composition. Rhode Island's Latino population nearly tripled, growing by 183 percent between 1990 and 2010. Over the same period, the Asian and Black populations increased by 67 percent and 45 percent, respectively, while the White population declined by 11 percent. The racial change was driven largely by immigration from Asia, the Caribbean and Central America, though the populations of color are now increasing as the result of births to current Rhode Island residents.

⁴ Woods and Poole Economics, 2013

Table 2.1: Population Change by Decade by Race/Ethnicity⁵

Year	Total	White	Black	Asian	Hispanic	Other
1990	1,005,995	902,567	35,516	17,991	46,250	3,671
Share of Total	100.0%	89.7%	3.5%	1.8%	4.6%	0.4%
2000	1,048,319	858,433	41,922	23,416	90,820	33,728
Share of Total	100.0%	81.9%	4.0%	2.2%	8.7%	3.2%
2010	1,052,567	803,685	51,560	29,988	130,655	36,679
Share of Total	100.0%	76.4%	4.9%	2.8%	12.4%	3.5%
# Change 1990-2000	42,324	-44,134	6,406	5,425	44,570	30,057
# Change 2000-2010	4,248	-54,748	9,638	6,572	39,835	2,951
# Change 1990-2010	46,572	-98,882	16,044	11,997	84,405	33,008
% Change 1990-2000	4.2%	-4.9%	18.0%	30.2%	96.4%	818.8%
% Change 2000-2010	0.4%	-6.4%	23.0%	28.1%	43.9%	8.7%
% Change 1990-2010	4.6%	-11.0%	45.2%	66.7%	182.5%	899.2%

Source: 2000, 2010 Decennial Census. 1990 data Bridged-Race Population Estimates prepared by the U.S. Department of Health and Human Services

As a result of the substantial decline in the non-Hispanic White population and the substantial increase in the number of minorities, Rhode Island's net population growth since 1990 has been attributable entirely to people of color.

It is expected that the state will continue to grow more diverse, at a rate that is similar to that of the past few decades and slightly higher than the nation as a whole. The non-Hispanic White population is projected to decline by 2.2 percent between 2000 and 2030, while the populations of color are projected to increase by 71.2 percent. Around 2043, when people of color are expected to become the majority nationwide, about 41 percent of Rhode Island's residents will be people of color, but Providence County – home to nearly 60 percent of the state's population – will be majority minority.⁶

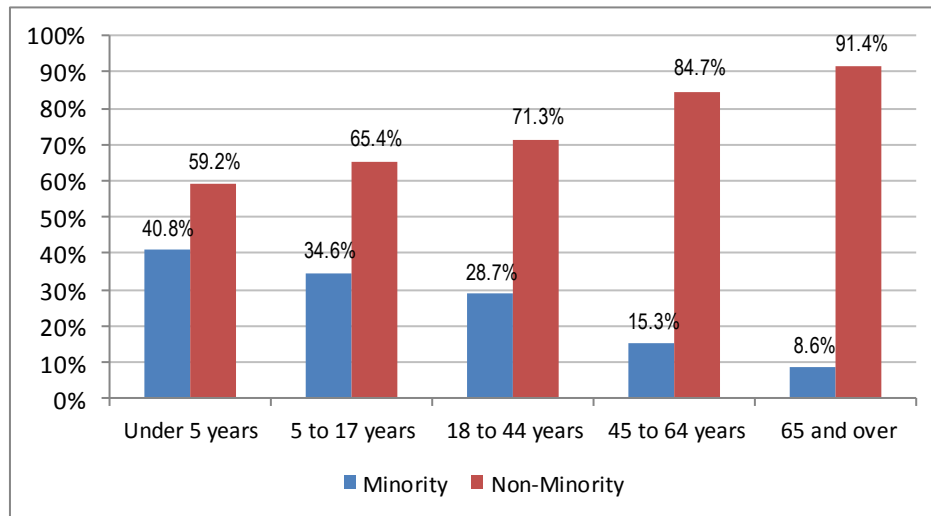
Rhode Island's Shifting Age Profile

Today's existing elders live longer as the youth population shrinks, there is a "graying" of Rhode Island. Overall, the under 18 population declined by more than 8 percent between 2000 and 2010, but the drop among non-Hispanic White youth was nearly 21 percent compared to less than 4 percent among children of color. The result is a youth population that is diversifying much faster than the adult population, leading to a widening "racial generation gap". **Figure 2.1** illustrates this trend.

⁵ Note: The significant increase in the category "other" reflects changes in methodology. Respondents were given many more options to choose more than one race in 2000 and 2010 than in 1990. There has been substantial growth in many parts of the country in the number of people identifying as multiple races. This growing diversity becomes even more pronounced when looking at households and families whose members are of different races and/or ethnicities.

⁶ "An Equity Profile of Rhode Island," PolicyLink and PERE, the Program for Environmental and Regional Equity at the University of Southern California, 2013

Figure 2.1: Population by Age Group and Race/Ethnicity*



* Minority includes all by non-Hispanic White

Source: 2010 Decennial Census

Population Shifts

Demographic shifts are expanding the number of Rhode Islanders who are protected against discrimination as members of protected classes: more residents of color, more nationalities (national origin); more children of color; more seniors; and, because the incidence of disability increases with age, an increasing number of residents with a disability.⁷

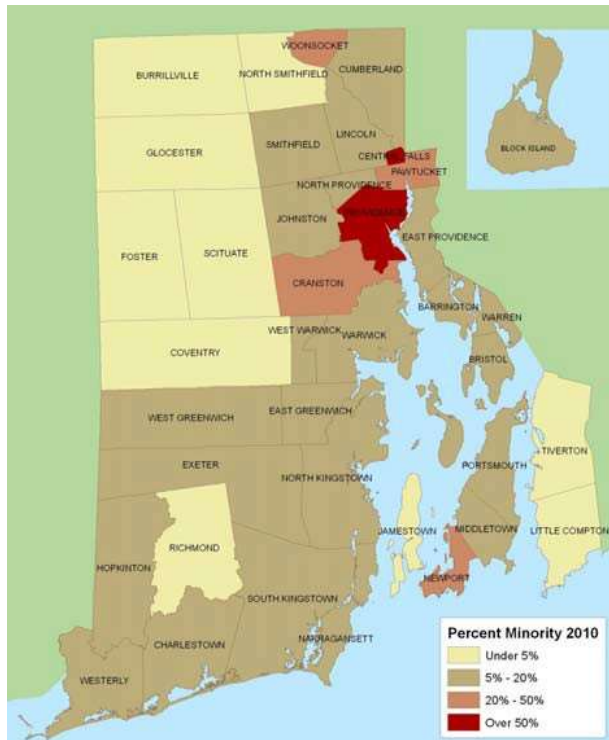
A close look at the population shifts by race and ethnicity reveals that in many parts of the state the population growth has been attributable to *either* an increase in non-Hispanic Whites *or* an increase in people of color, *but not both*. Communities in closest proximity to the Boston metro area have experienced the greatest population gains since 2000, notably as the result of an increase in the White population. The urban communities experienced little or no growth, but saw shifts in their racial and ethnic composition. Providence and Cranston posted modest gains, but other urban core communities (Pawtucket, Woonsocket, Central Falls, East Providence, Warwick and Newport) lost population.

The growth in populations of color, including many new immigrants, has offset the loss due to White outmigration in many of Rhode Island's cities. Warwick, Pawtucket, East Providence, and Woonsocket have all experienced modest population losses (less than 4%) since 2000, but these losses would have been significantly more severe but for the robust growth in their populations of color. Slight population gains in Providence, Cranston and North Providence (all under 1%) were due entirely to growth in the populations of color. Newport experienced declines in both the Black and White population.

For the most part, the cities that experienced the greatest increase in minority population between 2000 and 2010 were those that began the decade with the largest minority population. For example, one third of the net increase in Rhode Island's population of color occurred in Providence, where 49 percent of the state's non-White population lived in 2000; 17 percent of the increase occurred in Pawtucket, which had been home to 13 percent of the non-White population in 2000. **Map 2.1** indicates the percent minority population in 2010, while **Map 2.2** portrays the change in minority population by municipality between 2000 and 2010.

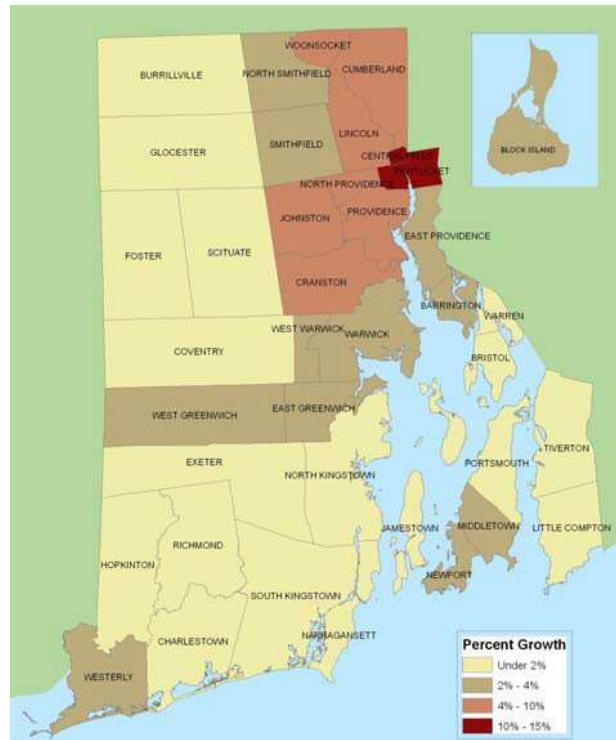
⁷ Age is not a protected class under Title VIII of the Fair Housing Act, but it is under the Rhode Island Fair Housing Practices Act.

Map 2.1: Percent Minority Population by Municipality, 2010



Source: 2010 Decennial Census

Map 2.2: Percent Change in Minority Population, 2000-2010



Source: 2000, 2010 Decennial Census

2.2: National Origin and Linguistic Isolation

Immigration is Increasing Diversity

The increase in Rhode Island's racial and ethnic populations over the past two decades has been fueled by immigration. Since 1990, nearly 84,000 foreign born residents have settled in the state, and the diverse immigrant communities are changing the social, cultural and economic landscape in many ways. **Figure 2.2** illustrates the racial and ethnic identity of the foreign born population that has settled in the state since 1990 while **Figure 2.3** documents each of the major racial/ethnic groups' shares of household growth since 1990. The non-Hispanic White population declined by more than 92,000 or nearly 10% of the State's total population, during this period.

Figure 2.2: Race/Ethnicity of Immigrants Settling in RI since 1990

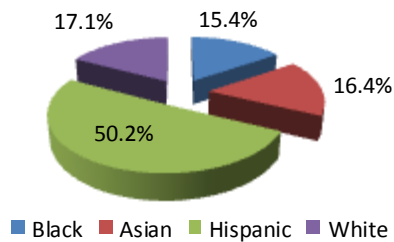
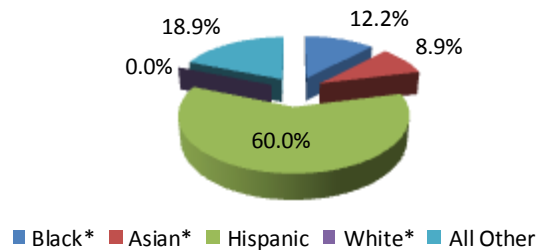


Figure 2.3: Racial/Ethnic Group's Contribution to RI Household Growth since 1990



Source: Figure 2.2, 2011 1-Year American Community Survey; Figure 2.3, 2010 Decennial Census

More than 140,000 foreign born residents now call Rhode Island home, accounting for nearly 14 percent of the state's population. In Providence and Pawtucket, immigrants make up 30 percent and 25 percent of the population respectively; Central Falls has the highest concentration of foreign born residents, with more than 41 percent.

More than half of the 84,000 foreign-born residents who have settled in Rhode Island since 1990 have come from Latin America (including the Caribbean).⁸ Almost 19 percent have come from Asia, nearly 10 percent arrived from Europe, and 10 percent from Africa. Prior to 1980, most immigrants came from European nations (**Table 2.2**).

Table 2.2: Region of Origin of Rhode Island Immigrants

Region of Origin	Entered since 2010		Entered 2000-2009		Entered 1990-1999		Entered before 1990	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Europe	1,517	11.1%	2,721	6.7%	5,723	19.2%	22,313	39.7%
Asia	3,906	28.5%	9,571	23.7%	4,308	14.5%	8,790	15.7%
Caribbean	4,012	29.3%	7,666	18.9%	6,721	22.6%	6,569	11.7%
Central America	1,672	12.2%	11,204	27.7%	6,715	22.5%	6,441	11.5%
South America	438	3.2%	3,326	8.2%	2,726	9.2%	3,343	6.0%
Other	2,169	15.8%	5,972	14.8%	3,593	12.1%	8,709	15.5%
Total	13,714	100.0%	40,460	100.0%	29,786	100.0%	56,165	100.0%

Source: 2012 1-Year American Community Survey, Table B05007

The 54,000 foreign born residents who have settled in Rhode Island since 2000 substantially offset the population loss due to domestic outmigration of residents to other states. These newcomers contribute to the state's economy and cultural diversity, but many face challenges as they settle into their new community. Often the new arrivals come speaking little or no English.

⁸ 2012 One-Year American Community Survey. The Pew Hispanic Center estimated that in 2010 there were approximately 30,000 unauthorized immigrants living in Rhode Island based on Supplements to the Current Population Survey. <http://www.pewhispanic.org/files/reports/133.pdf>. It is unclear how many, if any, of those are included in the ACS data.

Linguistic Isolation

A linguistically isolated household is defined as one in which no person 14 years old and over speaks only English, and no person 14 years old and over who speaks a language other than English speaks English "very well". Some 23,000 Rhode Island households are linguistically isolated, and 86 percent of these households live in the six entitlement communities. The 2012 American Community Survey estimates that 59 percent of the immigrants who have arrived since 2000 speak English less than "very well." Native-Spanish speakers represent the largest number of linguistically isolated residents (nearly 55%), and they are also the group most likely to be linguistically isolated (32%) (**Table 2.3**).⁹

Table 2.3: Linguistic Isolation by Language Group

Language Group	# Linguistically Isolated Households	Language Group's Share of Linguistically Isolated Households	% of Language Group that is Linguistically Isolated	Entitlement Communities' Share of RI's Linguistically Isolated Households
Total	22,923	100.0%	5.6%	85.6%
Spanish	12,572	54.8%	31.9%	94.0%
Other Indo-European	7,301	31.9%	18.1%	73.6%
Asian and Pacific Islander	2,393	10.4%	29.7%	76.8%
All Other	657	2.9%	20.5%	88.7%

Source: 2012 5-Year American Community Survey, Table B16002

Immigrants, including the most recent arrivals (those who arrived since 2000), have settled in all but a handful of Rhode Island communities, but over half of them live in Providence, and three quarters live in Providence, Cranston, Pawtucket, Woonsocket, East Providence, and South Kingstown combined.¹⁰ This tendency to cluster is common among immigrant groups when they first settle in a new country, but it typically diminishes as they gain socio-economic power and stability. Immigrants arriving from Latin America are far more concentrated than other groups: over three quarters live in Providence, and 90% live in Providence, Pawtucket, Cranston, and Central Falls combined. Conversely, there are officially no Latin American immigrants living in 24 of Rhode Island's towns.

⁹ An Executive Order signed by the President in 2000 (Executive Order 13166) requires Federal agencies and grantees to take affirmative steps to communicate with people who need services or information in a language other than English. The purpose of the Executive Order was to eliminate, to the extent possible, limited English proficiency as a barrier to "full and meaningful participation" in federally-assisted and federally conducted programs and activities.

¹⁰ Both Providence and South Kingstown have large student populations, including substantial numbers of foreign students.

Table 2.4: Linguistic Isolation by Entitlement Community and Central Falls

Municipality	City's Share of RI's Linguistically Isolated -				<i>Linguistically Isolated as % of Municipality's</i>
	Households (total)	Spanish Speaking Households	Households Speaking Other Indo-	Households Speaking Asian*	
Providence	44.7%	62.2%	17.2%	41.1%	16.7%
Pawtucket	14.8%	11.2%	24.2%	4.3%	11.7%
East Providence	6.2%	0.9%	16.5%	2.4%	7.1%
Cranston	5.4%	3.4%	5.8%	15.0%	4.1%
Woonsocket	3.3%	2.4%	2.6%	5.8%	4.6%
Warwick	3.2%	1.8%	3.8%	8.3%	2.1%
Central Falls	7.9%	12.2%	3.4%	0.0%	27.3%

Source: 2012 5-Year American Community Survey, Table B16002

Future trends in immigration, whether determined by public policy, economic considerations, or some combination of the two, will affect Rhode Island's economy and its housing markets in important ways over the next 25 years. It has already altered the racial and ethnic make-up and transformed its school-age population. Nearly one quarter of the state's children (under 18) have at least one foreign born parent, and in the urban core communities the share is much greater. In Central Falls, 59 percent of children have at least one foreign born parent. The comparable shares in Providence and Pawtucket are 53 percent and 47 percent respectively.

2.3 Characteristics of Rhode Island Residents with Disabilities

The American Community Survey (ACS) defines disability as “a long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.” This broad definition includes persons living in institutionalized settings, group quarters or service-enriched housing and many more who live independently in the private market, although the ACS reports only on the non-institutionalized civilian population.¹¹

¹¹ In 2008, the US Census Bureau made a number of significant changes to the disability questions on the ACS; as a result, recent disability statistics are not comparable to those reported in earlier surveys or the 2000 decennial census. The ACS now considers a person to have a disability if (s)he answers “yes” to one or more of these six questions:

Hearing Disability (asked of all ages): Is this person deaf or does he/she have serious difficulty hearing?

Visual Disability (asked of all ages): Is this person blind or does he/she have serious difficulty seeing even when wearing glasses?

Cognitive Disability (asked of persons ages 5 or older): Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?

Ambulatory Disability (asked of persons ages 5 or older): Does this person have serious difficulty walking or climbing stairs?

Self-care Disability (asked of persons ages 5 or older): Does this person have difficulty dressing or bathing?

Independent Living Disability (asked of persons ages 15 or older): Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor's office or shopping?

Characteristics of persons with disabilities in the non-institutionalized population

An estimated 13 percent of Rhode Island's civilian non-institutionalized population reports some type of disabling condition, and nearly half of those report a disability having two or more such conditions. The 2011 ACS reported that there were more than 51,000 residents age 65 or over with one or more disabilities and nearly 65,000 between the ages of 21 and 65. There are also almost 7,000 disabled children (under 18) whose disabilities may pose housing challenges for their families.

The prevalence of disability rises dramatically with age, and nearly half of the population 75 years or older reports some type of disability.¹² Nearly half of all Rhode Islanders with disabilities are non-elderly adults, and they represent nearly 10 percent of the state's 18-65 year olds. Half of these non-elderly disabled adults reported an ambulatory disability; 35 percent reported a disabling condition that made living independently difficult and more than 17 percent cited a self-care disability. While 83 percent of the working age population with no disabilities was employed full-time, just 36 percent of those with disabilities were, and this group was twice as likely to live in poverty.

Differences in disability status across racial and ethnic groups

Disability status varies across racial and ethnic groups as **Table 2.5** illustrates. Asians and Blacks report a significantly lower incidence of disability than Whites and Hispanics do, particularly among working age adults.

Table 2.5: Percent of Population with a Disability by Age and Race/Ethnicity

	White*	Hispanic	Black	Asian
Under 18 years	3.8%	4.1%	2.3%	2.3%
18 to 64 years	10.7%	13.7%	6.3%	4.5%
65 years and over	33.0%	38.6%	32.9%	38.1%
Total	13.4%	11.6%	6.8%	5.9%

* White alone not Hispanic

Source: U.S. Census Bureau, 2012 1-Year American Community Survey

Increase in Group Homes

In Rhode Island, a series of lawsuits led to the closure of a number of state schools and hospitals in the late 20th and early 21st century. The number of residents living in state hospitals and similar institutions, for example, declined by some 1,600, while the number living in group homes increased by the same number. There was also a significant drop in the nursing home population over the same period (**Table 2.6**). While the state's 8,700 institutionalized residents represent a small segment of the state's population, they are likely to face a number of equity and access to quality of life issues, one example of which is the fact there are nearly one thousand non-elderly adults (64 or under) currently living in nursing homes.

¹² Because many people experience more than one disabling condition the total number of disabled individuals is considerably less than the number of disabling conditions.

Table 2.6: Persons with Disabilities Living in Institutions or Group Quarters, 1990-2010

Type of Facility	1990	2000	Change 1990-2000	2010	Change 2000-2010	Change 1990-2010
Nursing homes	10,156	9,222	-9.2%	8,420	-8.7%	-17.1%
Other institutions*	1,872	1,003	-46.4%	273	-72.8%	-85.4%
Other non-institutional group quarters**	2,045	3,594	75.7%	3,659	1.8%	78.9%

* Includes institutions such as psychiatric hospitals that provide residential care and treatment for adults with mental illness, developmental disabilities, substance abuse issues, etc. Most such institutions have been phased out, and their services are now provided in non-institutional group settings.

** Other non-institutional group quarters include group homes and residential treatment facilities for adults with mental illness, developmental disabilities, substance abuse issues, etc.

Source: 1990, 2000 and 2010 Decennial Census

2.4: Existing Housing Profile

Existing Housing Inventory

There are over 463,000 housing units in the state, 413,000 (89%) of which are occupied. Forty percent of Rhode Island households rent their homes, ranking the state 46th in homeownership. Most renters (63%) live in small structures of 1-4 units, two-thirds of which are more than 50 years old. It is estimated that half of the remaining renters live in public or subsidized housing.

Rhode Island has a higher share of rental units built prior to 1940 than any other state. In terms of overall inventory, only Massachusetts and New York have a higher share of pre-1940 units. Housing is costly to maintain and operate. Winters are long and cold, and high heating bills add to already high housing costs.

More than 7,300 units in 2-4 family structures – long a mainstay of Rhode Island’s affordable housing stock – were lost between 2000 and 2012. Some of these units were lost due to abandonment, demolition or conversion to non-residential use; many others still exist, but they are now vacant and likely deteriorating. The foreclosure crisis, which has devastated so many Rhode Island neighborhoods, particularly in the state’s low income urban centers, has been a major factor in the loss of this inventory.

It is estimated that just 2 percent of all housing in the Providence metro area has severe physical problems and fewer than five percent – 2.4 percent of owner and 8.1 percent of renter units – have moderate physical problems. Still, more than 40 percent of Rhode Island’s housing stock is over 50 years old, and it requires constant maintenance and upgrading to keep it efficient, safe and functional. Forty-five percent of homeowners use costly fuel oil for home heating, and nearly 40 percent rely on septic for treatment of wastewater. The state has successfully reduced or eliminated the hazards posed by lead paint and other health hazards found in many older homes through its remediation programs, but lead poisoning remains a risk, especially in urban areas where the majority of Rhode Island’s low income children of children of color reside.

Much of the existing housing stock is poorly-suited to aging in place. Nearly 86 percent of Rhode Island homeowners age 65 or over live in single family homes. Fifty-one percent have lived in those homes for more than 30 years, and 29 percent have been there for more than 40 years. Nearly two-thirds of senior owners live in homes that are at least 30 years old, and half live in homes that are at least 50 years old. The communities where most seniors live are not served (or are poorly served) by public transportation, and private vehicles remain the transportation mode of choice and necessity for most.

Housing Production

Rhode Island's compact size, environmentally sensitive 400-mile coastline and the limited availability of public water and sewer in many towns restricts the amount of easily developable land, which drives up the cost. Much of the easily developed land has already been developed and much of the remaining land is environmentally sensitive, costly to develop, or important to preserve in its natural state. Among the 50 states, Rhode Island has the lowest percentage of units built since 1990.

The state permitted about 2,600 new units per year between 1990 and the onset of the Great Recession (December 2007), but even then production had been trending downward. Since 2007, it has averaged fewer than 900 units per year, about the number likely to be permitted in 2014. This rate of housing replacement (units permitted/existing housing stock) is about 40 percent of the national rate. The drop in housing starts during the recession was a national phenomenon, but Rhode Island's recovery lags the other New England states and the nation.

Even with little or no population growth, Rhode Island faces an overall shortage of quality, housing that is affordable to many Rhode Island households. In addition, new housing is required to replace units that are lost each year due to demolition or conversion. Existing residents also seek new homes that accommodate changing needs and tastes.

2.5: Household Trends in Rhode Island

Family Status and Living Arrangements Are Changing

The growing minority and immigrant market has already altered Rhode Island's household composition and living arrangements, and their preferences, needs and economic resources will influence the residential landscape going forward. Increasingly, households with children under 18 will be families of color. Rhode Island's minority households tend to be younger and have more children. They are also more likely to be headed by a single individual, and/or include multiple generations. And, they are more often lower income renters.

Fewer households include children, but an increasing share of child-rearing families is minority. Fewer than 30 percent of the state's households include children under 18 (down from one-third in 2000), and about 30 percent of those that do are headed by a racial/ethnic minority (up from 23 percent in 2000). Latinos are the only group in which the majority of households (55 percent) are raising children. In contrast only 25 percent of non-Latino White households are raising children. (The comparable figures for Blacks and Asians are 46 and 41 percent.)

Among White and Asian child-rearing households, married couples are still the dominant household type, but single parents predominate among Black and Latino families (**Table 2.7**). Single-parent households, particularly female-headed households with children, are likely to face multiple challenges in securing adequate housing. They often need accessible day care and or public transportation in addition to affordable housing. They may face discrimination or differential treatment due to their race or national origin, their source of income, or the very fact that young children are present.

Approximately 28 percent of families with children under 18 are headed by females with no husband present, but this varies from over 40 percent in Providence, Woonsocket and Pawtucket to fewer than 5 percent in Little Compton, New Shoreham (Block Island) and Exeter.

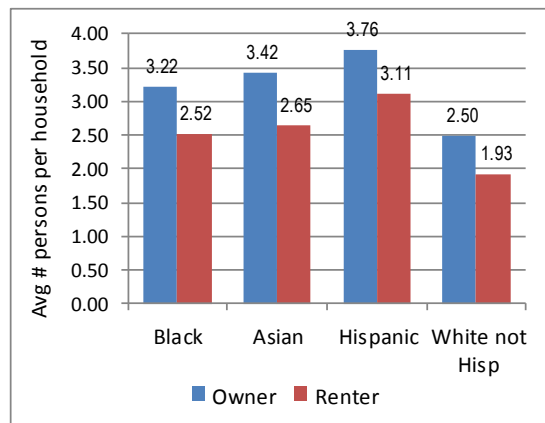
Table 2.7: Family Households by Type, Race/Ethnicity and Poverty Status

Household Type	Total	White*	Hispanic	Black	Asian
Total families with related children under 18 years	121,967	85,534	20,512	10,119	3,827
<i>Racial/ethnic group's share</i>		70.1%	16.8%	8.3%	3.1%
Married couple families	62.8%	70.4%	43.7%	37.6%	70.3%
Male, no wife	7.8%	6.8%	10.4%	10.6%	9.9%
Female, no husband	29.4%	22.8%	46.0%	51.8%	19.8%
Families with related children under 18 years in poverty	18,628	7,395	7,236	3,088	542
<i>Racial/ethnic group's share</i>		39.7%	38.8%	16.6%	2.9%
Married couple families	4.9%	3.0%	15.2%	11.4%	3.9%
Male, no wife	17.7%	11.7%	29.0%	19.1%	27.4%
Female, no husband	36.7%	25.1%	55.8%	46.7%	44.1%

Source: 2012 5-Year American Community Survey Table B17010

Average household size is larger among Black, Asian and Latino households than among Whites (**Figure 2.4**).

Figure 2.4: Household Size by Race/Ethnicity



Source: 2010 Decennial Census

Extended families are also more common. In 2010, 3.0 percent of non-Hispanic White families included three or more generations compared to 6.7 percent of Black, 8.3 percent of Asian, and 8.8 percent of Latino families.

Differences in tenure by race/ethnicity

There are also important differences among racial and ethnic groups in terms of tenure. Rhode Island's households of color are more likely to rent than their White counterparts (**Table 2.8**). In 2010, 73 percent of Latino households, 68 percent of Black and 53 percent of Asian households were tenants, compared to 33 percent of White households. Homeownership is a primary means of wealth accumulation for most American families, but as recently as 1990, there were fewer than 8,600 homeowners of color in Rhode Island. Minorities became homeowners in large numbers during the 1990s and through the middle of the 2000s, and by 2010 there were nearly 24,000 homeowners of color. The biggest gain was in Latino ownership, which more than tripled during this period.

While the number of large owner households (five or more members) has been declining for many years, the number of large renter households increased by more than 5 percent between 2000 and 2010, now representing just over 6 percent of renter households. In Central Falls and Woonsocket, large households represent more than ten percent of the rental population.

Table 2.8: Tenure by Race/Ethnicity in 1990 and 2010

1990	Total	White*	Hispanic	Black	Asian	AIAN
Owners	224,829	216,265	2,707	3,213	1,704	529
Racial/ethnic group's share of owners		96.2%	1.2%	1.4%	0.8%	0.2%
Percent of racial/ethnic group that owns	59.5%	62.3%	21.9%	25.8%	40.4%	37.0%
Renters	153,148	130,688	9,628	9,246	2,518	899
Racial/ethnic group's share of renters		85.3%	6.3%	6.0%	1.6%	0.6%
Percent of racial/ethnic group that rents	40.5%	37.7%	78.1%	74.2%	59.6%	63.0%
Total	377,977	346,953	12,335	12,459	4,222	1,428
2010	Total	White*	Hispanic	Black	Asian	AIAN
Owners	250,592	226,701	9,986	6,559	4,230	596
Racial/ethnic group's share of owners		90.5%	4.0%	2.6%	1.7%	0.2%
Percent of racial/ethnic group that owns	60.6%	66.8%	27.2%	32.0%	47.1%	28.9%
Renters	162,648	112,541	26,668	13,929	4,757	1,464
Racial/ethnic group's share of renters		69.2%	16.4%	8.6%	2.9%	0.9%
Percent of racial/ethnic group that rents	39.4%	33.2%	72.8%	68.0%	52.9%	71.1%
Total	413,240	339,242	36,654	20,488	8,987	2,060

Note: AIAN is an abbreviation for American Indian and Alaska Native

* Not Hispanic

Source: 1990 and 2010 Decennial Census

While the majority of Rhode Island's minority households continue to rent, they became homeowners in large numbers during the 1990s and through the middle of the 2000 decade. By 2000, there were almost 4,000 more homeowners of color in Rhode Island than there had been in 1990; by 2010, that number had grown by another 7,800. **Table 2.9** details these gains by the major racial/ethnic groups.

Table 2.9: Increase in Minority Homeownership, 1990 to 2010

	1990	2000	2010	# Change 1990-2000	# Change 2000-2010	# Change 1990-2010	% Change 1990-2000	% Change 2000-2010	% Change 1990-2010
White*	216,265	228,762	226,701	12,497	-2,061	10,436	5.8%	-0.9%	4.8%
Black	3,292	4,147	5,822	855	1,675	2,530	26.0%	40.4%	76.9%
Asian	1,765	2,653	4,067	888	1,414	2,302	50.3%	53.3%	130.4%
Hispanic	3,009	5,241	9,958	2,232	4,717	6,949	74.2%	90.0%	230.9%

* Not Hispanic

Note: This table shows *net change* only. The number of residents who actually purchased homes during this period is far greater. The increase in new homeowners is offset by the loss of existing owners who move out of state, die, double up or become renters. The table does not capture the many owners who purchased multiple properties over the course of these 20 years.

Source: 1990, 2000 and 2010 Decennial Census

Many minority homebuyers were assisted in their purchase by Rhode Island Housing's First Time Homebuyer programs. Many others, however, financed their purchase – and later extracted equity from their homes – with high cost, risky mortgage instruments that were heavily, and often unscrupulously, marketed in communities of color and low income neighborhoods. As a result, Rhode Island's

communities of color have borne the brunt of the fallout from the collapse of the housing bubble. More detail on this is provided in Chapter 4.1.

Highly Concentrated Minority Homebuying

Homebuying for households of color during the housing boom was much more concentrated than White homebuying:

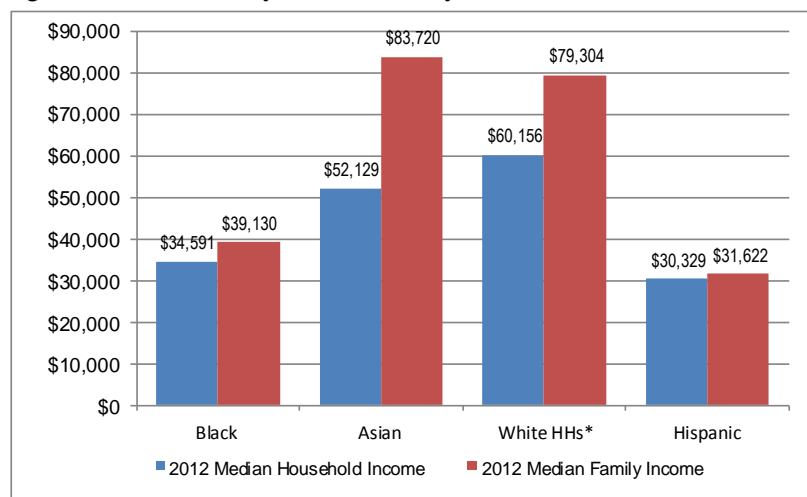
- 73.4% of the net gain in Hispanic homeowners was in five cities: Providence, Cranston, Pawtucket, Central Falls, and Warwick;
- 73.3% of the net gain in Black homeowners was in Pawtucket, Providence, Cranston, North Providence, and Warwick;
- 56.0% of the net gain in Asian homeowners was in Cranston, Providence, Woonsocket, Warwick, and Lincoln; and
- 43.0% of the net gain in White homeowners was in Coventry, South Kingstown, Tiverton, North Smithfield, and Lincoln.

There may be many reasons for the high degree of clustering of Blacks and Latinos, including personal choice. (These are the communities where most of the state's people of color already lived.) But regardless of its cause, residential segregation has impeded access by people of color to higher opportunity areas with high performing schools, jobs, good housing conditions, and healthy living environments.

2.6: Income and Race

Economic well-being of Rhode Island residents varies widely by race and ethnicity (**Figures 2.5 and 2.6**). In 2012, the median income of Asian households was estimated to be 87 percent that of non-Hispanic White households; for Black households, it was 58 percent; and Hispanic households, just 50 percent.

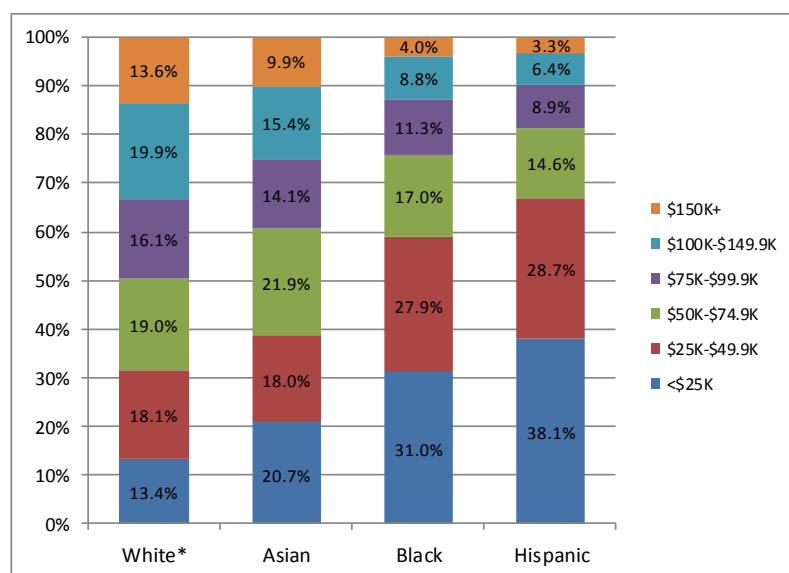
Figure 2.5: Income by Race/Ethnicity



* Not Hispanic

Source: 2012 1-Year American Community Survey

Figure 2.6: Income Distribution of Working Age Households by Race/Ethnicity



* Not Hispanic

Source: 2012 5-Year American Community Survey

2.7: Segregation and Integration

This section looks at the current trends and factors that have contributed to racial separation.¹³ Concepts of segregation and integration measure the extent to which people with different fair housing characteristics share the same residential geography and interact with one another. Measures of residential segregation can be descriptive of the persistent racial, ethnic and other disparities in access to quality education, employment, and wealth.

Distribution of RI's Major Racial/Ethnic Groups¹⁴

Even though the state as a whole is becoming more diverse, its 39 cities and towns remain highly segregated by race and ethnicity. Providence and Central Falls are both majority minority cities with people of color accounting for more than 62 and 74 percent of the population, respectively. Pawtucket and Woonsocket, with non-White populations of 43 percent and 29 percent respectively, also exceed the state average (23.6%).

¹³ Segregation is usually examined at the metropolitan (regional) level, and much of the most insightful comparative data is provided by metro area. Rhode Island is an anomaly, where the entire state is a single labor market. Most states have multiple metropolitan areas, often with very different racial/ethnic profiles. When patterns of segregation in states with multiple metro areas are aggregated to the state level, important differences between/among regions are masked. That isn't the case in Rhode Island where the Providence metro area closely tracks trends at the state level. The Providence-New Bedford-Fall River, RI-MA Metropolitan Statistical Area (MSA) had a 2010 population of 1,600,852. Of these, 1,052,567 (66 percent) resided in Rhode Island. In 2013, this MSA was renamed the Providence-Warwick, RI-MA Metropolitan Statistical Area.

¹⁴ Population in households; counts only those members of a racial group that identified as that race alone. Asian, Black and white figures are for non-Hispanic members of those races.

Fourteen of the state's 39 municipalities saw an increase of more than 50 percent in the number of minority households between 2000 and 2010 – and most of the others posted double digit gains – but even with these gains, the majority of towns continue to have relatively few households of color.¹⁵ **Table 2.10** identifies the top five communities for each of the major racial/ethnic groups based on number of residents, share of the state's population and share of the municipality's population.

Blacks and Latinos, the most segregated groups, represent less than five percent of the population in 30 Rhode Island towns (63 percent of all municipalities and 90 percent of the state's landmass). In 25 of these towns, they represent less than 3 percent of the population. As a result, there is limited opportunity for interaction in the community setting among people of different races or ethnic background.

More than 85 percent of Rhode Island's Latino residents and 80 percent of its Black residents reside in just five municipalities.¹⁶ Providence and Pawtucket, alone, are home to nearly two-thirds of the state's Blacks and Latinos. (By comparison, just 39 percent of the state's Asians and less than 13 percent of the White population live in these two cities.) Asians are somewhat more dispersed, with the top five destinations embracing 70 percent of the state's Asians, and Whites are considerably more dispersed. The five municipalities with the greatest non-Hispanic White population encompass less than 35 percent of the state total.

¹⁵ When analyzing population growth or racial change, it is important to distinguish between the *percent* increase and the *percentage point* increase. The latter is the more relevant measure. For example, while Barrington had a 70 percent increase in minority population between 2000 and 2010, the percent of the town's residents of color only increased from 2.5 percent to 4.3 percent.

¹⁶ Based on 2010 distribution of population in households. The number of cities where people of color predominate and the number where the percentage of people of color exceeds the statewide average do not change whether one counts total population, household population or households. By any of these three measures, Providence and Central Falls are the state's only "majority minority" municipalities and Pawtucket and Woonsocket are the only other ones with minority shares that exceed the statewide share.

Table 2.10: Rhode Island Communities with the Largest Number, the Greatest Share and the Highest Concentration of Residents of Color

Municipalities with the Largest Household Population of Each Major Racial/Ethnic Group							
Hispanic		Black*		Asian*		White*	
Providence	65,365	Providence	22,614	Providence	9,250	Warwick	75,447
Pawtucket	13,486	Pawtucket	8,662	Cranston	4,003	Cranston	60,734
Central Falls	11,381	Cranston	2,578	Woonsocket	2,229	Providence	58,596
Cranston	7,316	East Providence	2,542	Warwick	1,829	Pawtucket	40,835
Woonsocket	5,278	Woonsocket	2,158	Pawtucket	989	East Providence	38,641
Municipality's Share of Rhode Island's Household Population of Each Major Racial/Ethnic Group							
Hispanic		Black*		Asian*		White*	
Providence	54.3%	Providence	46.9%	Providence	35.3%	Warwick	9.6%
Pawtucket	11.2%	Pawtucket	17.9%	Cranston	15.3%	Cranston	7.7%
Central Falls	9.5%	Cranston	5.3%	Woonsocket	8.5%	Providence	7.5%
Cranston	6.1%	East Providence	5.3%	Warwick	7.0%	Pawtucket	5.2%
Woonsocket	4.4%	Woonsocket	4.5%	Pawtucket	3.8%	East Providence	4.9%
Racial/Ethnic Group's Share of Municipality's Household Population							
Hispanic		Black*		Asian*		White*	
Central Falls	60.3%	Providence	13.9%	Providence	5.7%	Little Compton	98.1%
Providence	40.1%	Pawtucket	12.3%	Woonsocket	5.5%	Burrillville	98.0%
Pawtucket	19.1%	Central Falls	6.9%	Cranston	5.3%	Scituate	97.9%
Woonsocket	13.1%	Newport	6.2%	East Greenwich	4.2%	Glocester	97.8%
Cranston	9.6%	East Providence	5.5%	Lincoln	2.7%	Exeter	97.1%

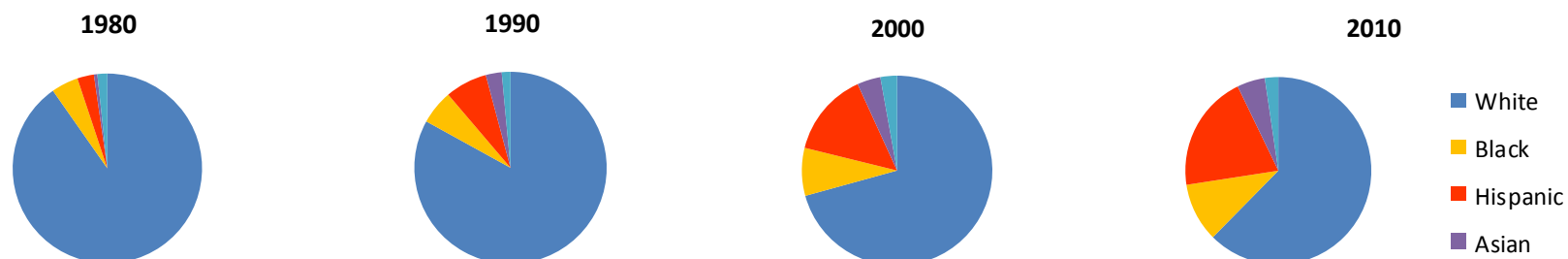
Source: 2010 Decennial Census

Race and Ethnicity in the Entitlement Communities

Figure 2.7, which tracks the racial/ethnic change over time in the Entitlement Communities and the balance of the state, is evidence that the growth in Rhode Island's populations of color, especially the Latino and Black population, is largely an urban phenomenon. Most of the growth has occurred in the entitlement communities and in Central Falls, the state's smallest city, where three quarters of the residents are people of color - mostly (60%) Latino.

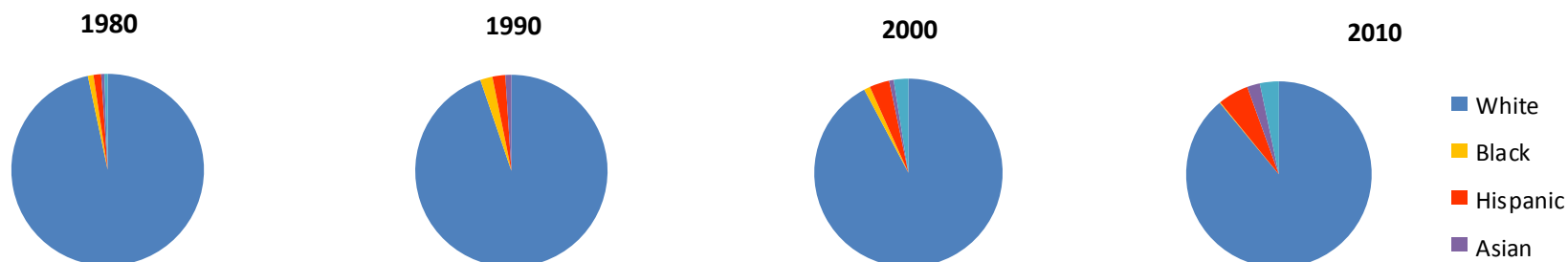
Figure 2.7: Changing Racial/Ethnic Makeup of Entitlement Communities v. Balance of State, 1980 to 2010

Total Entitlement Communities



	Total Entitlement				
	White	Black	Hispanic	Asian	Other Races
1980	90.3%	4.6%	2.8%	0.6%	1.7%
1990	83.0%	5.8%	7.1%	2.7%	1.5%
2000	70.7%	8.2%	14.3%	4.0%	2.8%
2010	62.4%	10.2%	20.2%	4.9%	2.3%

Total Balance of State

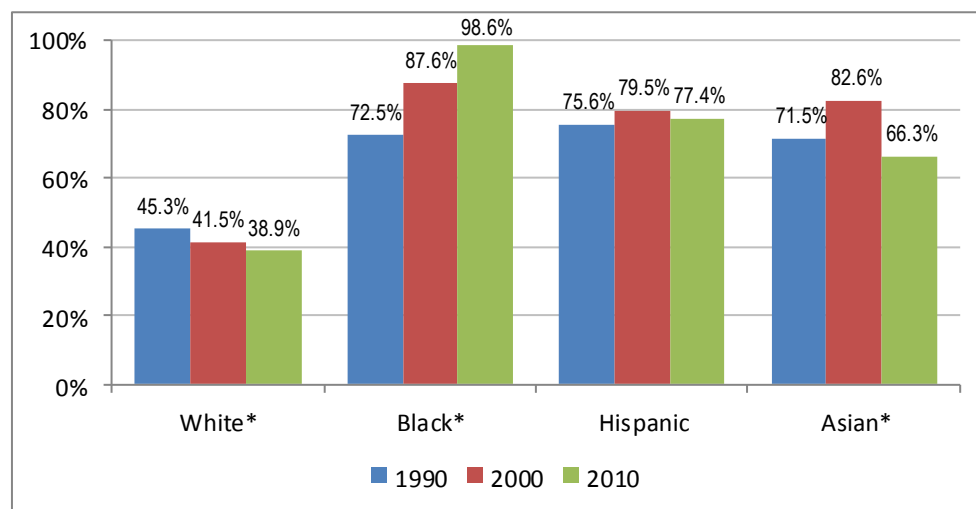


	Total Balance of State				
	White	Black	Hispanic	Asian	Other Races
1980	96.7%	0.9%	1.3%	0.5%	0.6%
1990	95.3%	2.1%	2.2%	1.0%	0.0%
2000	92.2%	1.1%	3.4%	0.8%	2.5%
2010	89.0%	0.1%	5.3%	2.2%	3.3%

Appendix 2.3 includes similar charts for each of the entitlement communities.

In 1990, over 45 percent of non-Hispanic Whites lived in one of the six Entitlement Cities; by 2010, fewer than 39 percent did. The most dramatic shift has been in the increasing concentration of the state's Black population in the Entitlement Communities, from less than 73 percent in 1990 to nearly 99 percent in 2010 (**Figure 2.8**).

Figure 2.8: Share of RI Population by Race/Ethnicity in Entitlement Communities, 1990 to 2010



* Not Hispanic

Source: 2010 Decennial Census

Providence, the state capital and largest city, has been “majority-minority” for more than a decade. Since 1980, its non-Hispanic White population has dropped by 46 percent while the number of people of color has increased more than sevenfold.¹⁷ Patterns of racial separation are also evident within the city: 82 percent of Providence’s Black, and 91 percent of Latino, households live in neighborhoods (census tracts) where they constitute a majority of households compared to 44 percent of Whites and 58 percent of Asians. The distinction among homeowners is even starker: over 40 percent of the city’s White homeowners live in five census tracts, where fewer than 10 percent of Black and 6 percent of Latino owners live.

Analyzing Segregation

Residential segregation has been studied extensively over the years using a variety of measures. Findings of studies by some of the nation’s foremost sociologists and demographers are incorporated into this analysis. While there is some variation in the indices they use and their interpretation, these studies

¹⁷ Of course, this does not mean that *no* white people are moving into Providence. Housing markets are fluid. Although more non-Hispanic whites have moved out of the city over the past two decades than have moved in, many others have moved into the city in recent years, most from other parts of the state. Analysis of the 2010-2012 Home Mortgage Disclosure Act Loan application registers (LARs) reveals that more than 1,000 non-Hispanic whites purchased homes in the city during those three years, 62 percent of whom had annual incomes of more than \$90,000.

document a consistent trend: modest improvement over time, but still a high level of segregation between Latinos and Whites, and also between Blacks and Whites.

Table 2.11 provides an updated (through 2010) measure of segregation at the metro level, using a dissimilarity index, which measures the degree to which the major minority groups are distributed differently than non-Hispanic Whites across census tracts.¹⁸ A dissimilarity index tells us what percentage of the minority group being measured would need to move in order to be distributed exactly like the White population. Thus, a value of zero would represent complete integration while a value of 100 would indicate complete segregation.¹⁹

Table 2.11 shows that the highest level of segregation persists between Hispanics and Whites, a condition that had grown progressively more pronounced between 1980 and 2000, but since 2000, has shown some improvement. Still, Providence evidenced the third highest level of Hispanic-White segregation among the nation's 50 largest metros (and fourth among the top 100). There is a moderately high level of Black-White segregation, although there has been steady improvement since 1980 in this measure. Asians are considerably less segregated than Blacks or Hispanics, and the Asian-White segregation level has also improved since 1990. Compared to the other large metropolitan areas, Providence ranks as somewhat less segregated for Blacks and Asians by this measure.

Table 2.11: Dissimilarity Index, Providence Metro Area, 1980 to 2010

Name	1980	1990	2000	2010	Change 1990- 2000	Change 1990- 2010	Change 2000- 2010	Total Population 2010	Minority Group Share 2010	Rank among 50 largest metro areas in 2010	Rank among 100 largest metro areas in 2010
Black-White	68.2	60.5	57.2	53.5	-3.2	-7.0	-3.8	1,600,852	4.2%	33	57
Hispanic-White	47.2	57.9	64.5	60.1	6.6	2.3	-4.3	1,600,852	10.2%	3	4
Asian-White	34.4	47.0	44.1	40.1	-2.9	-6.9	-4.0	1,600,852	2.5%	33	55

Source: William H. Frey, Brookings Institution and University of Michigan Social Science Data Analysis Network's analysis of 1990, 2000, and 2010 Census Decennial Census tract data. 1980 indices from John R. Logan, U.S. 2010

Appendix 2.4 includes dissimilarity indices, prepared at the municipal level for each of the entitlement communities.

¹⁸ Calculated by William Frey of the University of Michigan and the Brookings Institution

¹⁹ Frey also considers a value of 60 or greater as indicative of a very high level of segregation. Values of 40 to 50 are usually considered indicative of a moderate level of segregation, while values of 30 or below indicate fairly low levels of segregation.

2.8: Segregation and Poverty

In Rhode Island, the share of people living in high-poverty neighborhoods quadrupled since 1980, rising from 0.8 to 3.5 percent.

The detrimental effects of living in an area of concentrated poverty, particularly for the poor residents, who live there have been well-documented. Neighborhoods with a high concentration of disadvantaged residents face a host of challenges, and the consequences of these challenges are particularly harmful to children. Poor children grow up with fewer employed role models and attend schools that, on average, function at far lower levels than those of the middle class. Their physical and mental health often suffers. While the extent of these effects is a matter of debate, there is broad agreement that the concentration of very poor families and individuals in a limited number of high poverty areas not only compounds the challenges of their individual poverty, it perpetuates it.²⁰

As is true in much of the country, Rhode Island's concentrated poverty neighborhoods are disproportionately minority. This reflects both the higher poverty rates among minority groups and the continued high level of racial and ethnic segregation. (Most of the state's poor residents –regardless of racial and ethnic group – do *not* live in areas of concentrated poverty.) This section describes who is poor in Rhode Island, where they live and how that has changed over time. It identifies the state's high poverty areas and documents the intersection of race and concentrated poverty.

Defining Poverty

There are many different definitions of poverty, but according to the Census Bureau a person is considered poor if he or she lives in a family where the total income is below the poverty threshold, which in 2014 was \$11,670 for a single person and \$23,850 for a family of four for the continental U.S.²¹ This measure has been controversial, particularly among social scientists. (For comparison, the HUD's 2014 extremely low income (ELI) threshold for a single person in most of the state is \$15,200; the threshold for a family of four earning is \$23,850.)

HUD has introduced classification system to denote areas of “extreme poverty,” “concentrated poverty” and “high poverty”. Where such definitions are used below, they are meant simply to illustrate a different way of looking at poverty and its impacts.

Trends in Poverty Concentration

The number of people living in poverty fluctuates as economic and demographic conditions change. Where poor people live also changes over time. In 1990, there were only four extreme poverty (40% +) census tracts in Rhode Island, all in Providence. In three of these, people of color were the majority, and one was majority White. By 2010, there were ten such tracts, evenly split between White and minority, although many of the majority White tracts have high student populations. Most were still in Providence, but one was in Woonsocket. The most recent data (2012) suggest that number has risen to twelve, with additional pockets of poverty in Providence, Pawtucket and Woonsocket.

²⁰ “Concentration of Poverty in the New Millennium: Changes in the Prevalence, Composition, and Location of High-Poverty Neighborhoods,” Paul Jargowsky, The Century Foundation and Rutgers Center for Urban Research and Education, 2013

²¹ In 2010, the year on which the tables in this section are based, the threshold was \$10,380 for a single person and \$22,050 for a family of four. <http://aspe.hhs.gov/poverty/14poverty.cfm>

Nationwide, the number of neighborhoods with high concentrations of poverty rose dramatically during the 1970s and 1980s, before declining during the economic expansion of the 1990s. The improvement was short-lived, however, and concentrated poverty has been on the rise nationwide since 2000. In Rhode Island there was no decrease in concentrated poverty during the 1990s. This may be a reflection of the fact that the state was especially hard hit by the recession of the early 1990s and took much longer to recover than other parts of the country.

Predictably, the number of people living in poverty rose during the Great Recession, and it remains elevated. Many parts of the country that had witnessed sharp reductions in concentrated poverty during the 1990s are now experiencing a “re-concentration” of poverty. In Rhode Island, the state’s poverty *rate* has risen by 11 percent since 2000.²² This increase in poverty has been especially dramatic for Rhode Islanders of color: 17 percent, compared to a 6 percent rise among non-Hispanic Whites.

Rising poverty and disparities by race and ethnicity

Like income, the incidence of poverty varies widely across jurisdictions, household type, and racial and ethnic groups. Most striking is the disparity in poverty rate among families with children under age 18 between married couple families and single mothers.

Five percent of married couple households with children live in poverty compared to 35.2 percent of female headed households with children and no spouse present. Almost 40 percent of Rhode Island’s children – and nearly 80 percent of those living in poverty – live with a single parent. This translates into significant disparities across racial/ethnic groups. Only 19 percent of Asian and 22 percent of White families with children are headed by a single female, but 45 percent of Hispanic and 48 percent of Black families are (**Table 2.12**).

Table 2.12: Poverty Rate by Race/Ethnicity and Household Type

Racial/Ethnic Group	White Not Hispanic	Hispanic	Black	Asian	Total
Poverty Rate, All Families	8.6%	35.3%	30.5%	14.2%	15.3%
Poverty Rate Married Couple Families	3.0%	15.2%	11.4%	3.9%	4.9%
Poverty Rate Single Fathers	11.7%	29.0%	19.1%	27.4%	17.7%
<i>Single Father Poverty Rate: Married Couple Poverty Rate</i>	<i>3.88</i>	<i>1.91</i>	<i>1.68</i>	<i>7.08</i>	<i>3.58</i>
Poverty Rate Single Mothers	25.1%	55.8%	46.7%	44.1%	36.7%
<i>Single Mother Poverty Rate: Married Couple Poverty Rate</i>	<i>8.31</i>	<i>3.68</i>	<i>4.10</i>	<i>11.41</i>	<i>7.45</i>
Single Mother HHs as % of All Families w Children <18	22.8%	46.0%	51.8%	19.8%	29.4%
Single Parent HHs as % of All Families w Children <18	29.6%	56.3%	62.4%	29.7%	37.2%
Married Couple HHs as % of All Families w Children <18	70.4%	43.7%	37.6%	70.3%	62.8%

Source: 2012 5-Year ACS, B17010 (and B17010B, D, H, I)

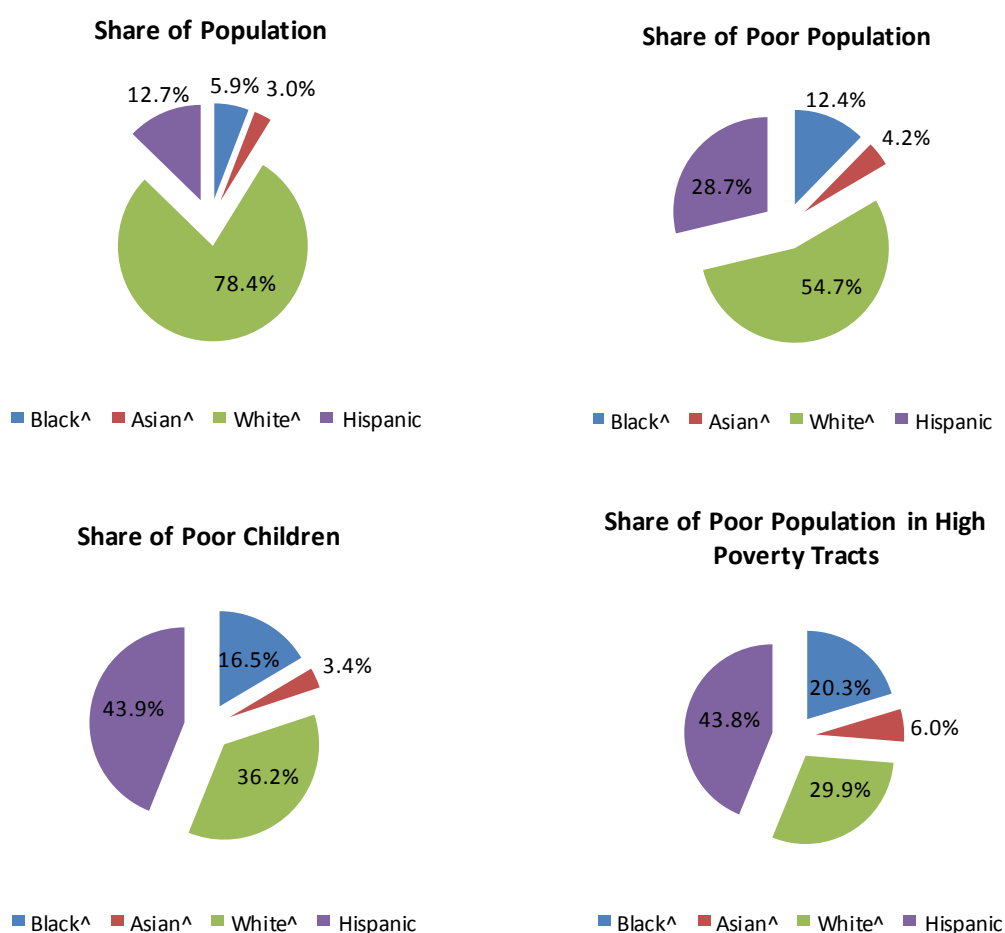
²² In 1990, RI’s poverty rate was 7.5 percent, compared to the US rate of 13.5 percent. At that time three other New England states (VT, MA, ME) all had higher poverty rates. In 2000, the RI rate was 10.7 percent compared to 12.2 percent for the US, and RI was tied with VT for the highest poverty rate in New England. By 2010 the US rate had risen to 15.1 percent and RI’s stood at 13.6 percent, the highest among the New England states.

Makeup and Distribution of the Poor in Rhode Island

In 2010, 11.7 percent of the state's residents were living below the poverty level. Most of the poor are non-elderly adults (about 64%). Children make up about 30 percent of the state's poverty population, and just 6 percent are elderly. The incidence of poverty varies widely among racial and ethnic groups. The poverty rate of non-Hispanic Whites in 2010 was 8.1 percent. Asians were more than twice as likely to be poor (16.5%) and Blacks and Latinos were more than three times as likely (24.5% and 26.2%, respectively). Poverty rates have since risen for all racial and ethnic groups except Asians: the 2012 rate for non-Hispanic Whites was 9.4 percent; for Asians, 14 percent; for Blacks, 26.1 percent; and Hispanics, 33 percent.

The racial and ethnic composition of Rhode Island's poor population illustrates the disparities in income between the minority and non-minority populations (**Figure 2.9**).

Figure 2.9: Racial/Ethnic Breakdown of RI's Population by Selected Subgroups



Even though non-Hispanic Whites have the lowest incidence of poverty, they make up nearly 55 percent of the state's poor population. There are stark differences by age, however. Most poor *children* in Rhode Island (nearly 64%) are minority, with Latinos representing the largest share (almost 44%). In contrast, the overwhelming majority (over 86%) of poor *elderly* residents are non-Hispanic Whites.

The share of the local population that lives in poverty varies widely across municipalities, from under 5 percent in Foster, Hopkinton, Exeter, Barrington, and Little Compton to more than 20 percent in Woonsocket and 25 percent in Central Falls and Providence. Who is affected by poverty varies by the income of the area. In higher income areas (census tracts where the median family income is greater than 120 percent of the Providences metro area median) almost 10 percent of the poverty population is elderly and just 18 percent are children. In very low income areas (census tracts where the median family income is 50 percent of the area median or less), almost 40 percent of the poor are children and fewer than 3 percent are elderly. People of color constitute 77 percent of the poor population in Providence, 71 percent in Central Falls and 61 percent of Pawtucket. In all other municipalities, the majority of those living in poverty are White.

Concentrated areas of poverty

People of color are more likely to live in concentrated poverty areas than their White counterparts are, regardless of income. And regardless of their income, most Whites live in census tracts that are not considered area of poverty

The concentrated poverty rate, overall, in Rhode Island (8.6% in extreme poverty tracts) is lower than the national rate (12.8%). The non-Hispanic White and Black concentrated poverty rates are also lower: 12.8% (RI) versus 22.6% (US) for Blacks; 4.1% (RI) versus 6.8% (US) for Whites. Rhode Island's Hispanic concentrated poverty rate, however, exceeds the national rate: 17.8% (RI) versus 15.0% (US).²³

- **High poverty areas:** Any census tract where at least 30 percent of the population lives below the federal poverty level is considered a concentrated poverty level by HUD.
- **Extreme poverty areas:** Census tracts where 40 percent of the population lives below the federal poverty level are deemed areas of extreme poverty.

As of 2010, 26 census tracts (of a total 240 in Rhode Island) were considered concentrated areas of poverty, including 16 considered “high” poverty and 10 considered “extreme” poverty. It is estimated that the number of concentrated poverty tracts rose to 28 in 2012, 12 “extreme” poverty and 16 “high” poverty. **Table 2.13** identifies those considered extreme poverty.

Table 2.13: Extreme Poverty Census Tracts in Rhode Island (2010)

Extreme poverty (40%+) census tracts							
1990 (4)		2000 (8)		2010 (10)		2012 (12)	
Majority Minority (3)	Majority White (1)	Majority Minority (7)	Majority White (1)	Majority Minority (5)	Majority White (5)	Majority Minority (6)	Majority White (6)
Providence - 4, 7, 12	Providence - 30	Providence - 6, 7, 12, 14, 18, 26, 27	Providence - 9	Providence - 4, 5, 7, 12, 27	Providence - 8, 9, 36.02; Woonsocket - 183; S. Kingstown - 514	Providence - 4, 5, 7, 12, 27; Pawtucket - 152	Providence - 8, 9, 31, 36.01; Woonsocket - 174, 180

²³ “Concentration of Poverty in the New Millennium: Changes in the Prevalence, Composition, and Location of High Poverty Neighborhoods,” Paul A. Jargowsky, Center for Urban Research and Education, Rutgers University and the Century Foundation, 2013. The estimates of concentrated poverty are based on the 2011 5-Year American Community Survey.

Racially/ethnically concentrated area of poverty

If people of color are the majority population in a concentrated or high poverty area, it is considered a racially or ethnically concentrated area of poverty (RCAP). Five of the extreme poverty tracts (all in Providence) were racially concentrated in 2010 as were 11 of the high poverty tracts (5 in Providence, 4 in Pawtucket and 2 in Central Falls). Eleven of the total 39 majority minority census tracts in Rhode Island are considered high poverty areas.

Majority White concentrated areas of poverty

A concentrated poverty tract where non-Hispanic Whites are the majority population is referred to in this analysis as a majority White concentrated poverty area. Five of the extremely high poverty tracts in 2010 were majority White: 3 in Woonsocket, one in Providence and one in Narragansett. Narragansett, like the noted Providence and South Kingstown tracts is a heavily student populated area, with fewer family households. All of the White concentrated poverty tracts (five “extreme” poverty and ten “high” poverty) have substantial populations of color. Excluding the student enclaves, people of color represent between 34 and 47 percent of the residents in “extreme” poverty tracts and between 28 and 49 percent in the “high” poverty tracts.

Sixteen of the 39 total majority minority census tracts in Rhode Island are considered high or extreme poverty areas. By comparison, of the 199 majority White tracts (excluding college campuses), only 8 are considered either high poverty or extreme poverty areas. Most (138) have poverty rates below 10 percent.

Just over 15 percent of poor White adults live in concentrated (30%+) poverty areas, compared to over 40 percent of Black, Asian and Hispanic adults. Among *non-poor* adults, nearly 22 percent of Hispanics, 21 percent of Black and almost 17 percent of Asians live in high poverty areas compared to fewer than five percent of Whites. The other extreme, more than 43 percent of *poor* White adults live in low poverty areas compared to 14 percent of Asians, 11 percent of Blacks and fewer than 7 percent of Hispanics.

Most poor people, regardless of race or ethnicity, do *not* live in concentrated poverty neighborhoods. Their challenges – and they are substantial – derive from the fact that they have insufficient income to meet basic daily living expenses. For many poor families, however, the challenges of their own poverty are compounded by neighborhood concerns such as under-performing schools, prevalence of crime, health and safety considerations, or the absence of positive role models. This is especially true for families raising children in concentrated poverty neighborhoods, and this is why we have paid special attention to the spatial dimension of poverty in this analysis.

Characteristics of Concentrated Poverty Neighborhoods

Rhode Island’s concentrated poverty neighborhoods are characterized by the high share of children being raised in single parent families and the high share of men who are either unemployed or not in the labor force.²⁴ As **Table 2.14** shows, children in the highest poverty census tracts (40%+) are nearly three times as likely to be raised in a single parent home as children in the lowest poverty areas (<10%) are. Likewise, men in the most extreme poverty areas are nearly three times as likely to be unemployed and only 80 percent as likely to be in the labor force. The differences between all concentrated poverty census tracts (30%+) and all those with poverty rates below 30 percent are less extreme, but still pronounced.

²⁴ William Julius Wilson’s seminal work on concentrated poverty in Chicago, *The Truly Disadvantaged* (1987), drew attention to the problems associated with the spatial concentration of poverty. Wilson described the “concentration effects” that emerge when the poverty level in a neighborhood exceeded a threshold level, and he noted that a child growing up in a high poverty neighborhood lived in a world where single parent families and lack of labor force attachment were the norms.

Table 2.14: Summary of Family Type and Employment Status by Poverty Level

Census Tract by Poverty	% Children living in single parent household	% Males 16 and over -	
		in civilian labor force	in labor force but unemployed
Extreme poverty census tracts (40%+ poverty)	71.6%	59.8%	22.4%
All concentrated poverty census tracts (30%+ poverty)*	63.5%	61.5%	16.0%
All other census tracts (poverty < 30%)	32.9%	71.8%	9.7%
Low poverty (< 10%) census tracts	25.4%	72.5%	8.6%

* Excludes student enclaves

Source: 2012 5-Year American Community Survey

Concentrated poverty neighborhoods are also characterized by a high level of renter households, including a disproportionate share of public and subsidized housing.

Chapter 3: Access to Opportunity

Decades of social science research have demonstrated that neighborhood conditions and access to opportunity play a significant role in life outcomes.²⁵ Communities that provide access to high-quality education, a healthy and safe environment, sustainable employment – all critical building blocks of opportunity – increase the likelihood that residents will meet their full development potential.

Neighborhood opportunity is analyzed to assess how one neighborhood compares with another in terms of its environmental conditions, school quality, employment opportunities and other important quality of life factors. In particular, it is important to understand how low income groups and racial and ethnic populations are situated relative to “geographies of opportunity,” that is, neighborhoods where conditions or resources are conducive to helping residents succeed.

The complexity and diversity of housing needs within Rhode Island underscores the connection between an individual’s housing situation and his/her ability to achieve a high quality of life. Strategies that specifically remove barriers for people of color, low-income families, people with disabilities and other disadvantaged populations are essential to working towards a more equitable and inclusive State.

3.1: Employment and Economy

Rhode Island’s economy is slowly improving, but the impact of the 2008 Great Recession is still felt throughout the state, as summarized by the *Equity Profile*²⁶ for Rhode Island:

- Although Rhode Island’s economy has shown moderate GRP growth over the past few decades, the state has had relatively slow job growth since the early 1990s, and unemployment rates remain high after a sharp rise during the Great Recession.
- Income inequality in Rhode Island increased rapidly during the 1990s, but has improved slightly since 2000. Although wages have increased across the board for full-time workers since 1979, top earners have seen the highest increases and the state’s middle-class is shrinking.
- Since 1990, poverty and working poverty in Rhode Island have remained below the national averages, but rates are much higher among people of color compared to Whites.
- Although educational attainment is a leveler, economic gaps persist for communities of color, who have higher unemployment rates, lower wages, and less access to high-opportunity occupations than Whites at nearly every education level.

Jobs and Labor Force Participation

Over the past few decades, wages have grown unevenly, with the highest earners seeing the greatest gains and the lowest earners seeing the smallest gains. Following the national trend, over the past two decades, Rhode Island added low- and high-wage jobs while losing middle-wage ones (construction, manufacturing).

²⁵Sampson, R. J., Morenoff, J. D., & Gannon-Rowley, T. (2002). Assessing “Neighborhood Effects”: Social Processes and New Directions in Research. *Annual Review of Sociology*, 28, 443–478.

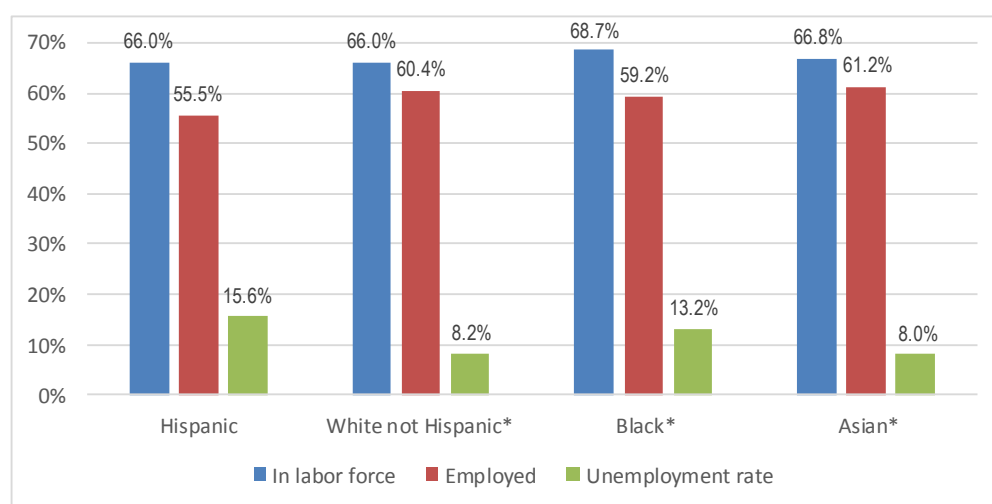
²⁶ “An Equity Profile of Rhode Island,” PolicyLink and PERE, the Program for Environmental and Regional Equity at the University of Southern California, 2013

Minority populations are underrepresented in the workforce and have greater difficulty accessing middle-wage jobs, attributable to educational performance (language barriers, lack of training). As communities of color continue to grow, greater participation of people of color in the Rhode Island workforce will be essential for Rhode Island to remain economically competitive.

Unemployment

As of December 2014, Rhode Island's unemployment was 6.8%. It has since been on a steady if slow decline, and stands at 5.9% as of May 2015. Examining unemployment by race over the past two decades, although some progress has been made, racial employment gaps persist in Rhode Island. All of the region's racial and ethnic communities participate in the labor force (either working or actively seeking employment) at relatively similar rates, but African Americans and Latinos face much higher levels of unemployment compared with Whites, Asians, and people of other/mixed racial background.

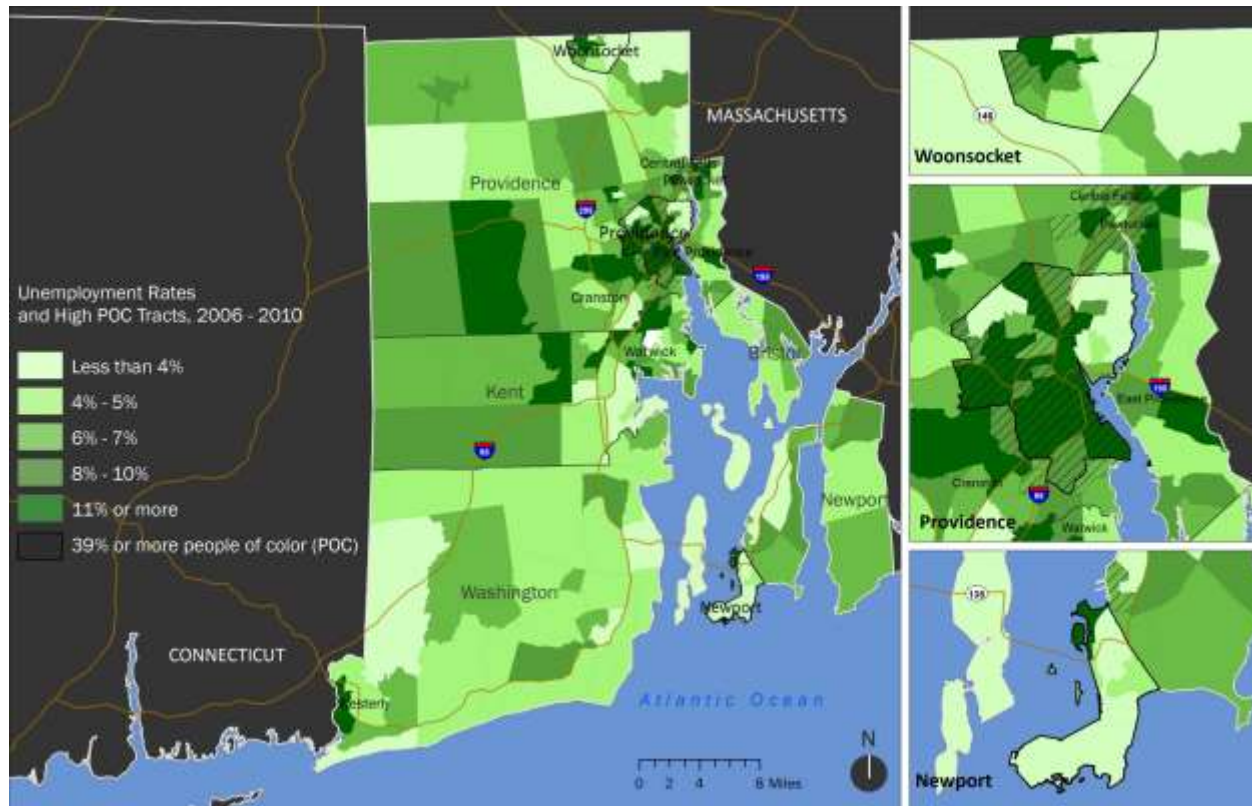
Figure 3.1: Employment Indicators by Race/Ethnicity



2012 1-Year American Community Survey

As **Map 3.1** below illustrates, concentrations of unemployment exist in communities of color in Providence, Pawtucket, Central Falls and Woonsocket, as well as in some rural and suburban areas.

Map 3.1: Unemployment Rates and High People of Color Census Tracts, 2006-2010



Source: Source: U.S. Census Bureau; TIGER/Line. Areas in White are missing data (Rhode Island Equity Profile)

Impact of the Great Recession on Employment Patterns

Of all Rhode Island cities and towns, Pawtucket experienced the greatest loss of jobs – more than 4,000, a drop of 15 percent – between 2002 (pre-recession) and 2011 (post-recession), but Central Falls, North Providence and Foster experienced higher percentage declines, losing between 20 and 25 percent of their employment base.

During the same period, the greatest job growth took place in Providence, Cranston, and North Kingstown, each of which added between 2,000 and 3,500 jobs. (While large in number, these jobs represented only a three percent increase in jobs in Providence and 12 percent increase in Cranston. The percentage increase was much higher in North Kingstown (20 percent), primarily due to job growth at the Quonset Business Park. Middletown and Scituate also saw job growth of approximately 20 percent during this time period, while the small town of Exeter experienced a 48 percent increase (approximately 425 new jobs) when two significant new employers located in there.

Access to Job Centers

While racial and ethnic minorities continue to face challenges with respect to labor force engagement, the disparity is generally linked to educational barriers, not geographic barriers. People of color, regardless of income, are *more* likely than their White counterparts to live in close proximity to job centers and transit.

Jobs are a major influence on housing demand and development patterns. Access to employment determines what a household can afford to pay for housing and where it will live. Nearly half of all Rhode Island jobs (46%) are currently located in the Metropolitan Core, and over half of those are located within the city of Providence. Although the urban core has lost job share to other parts of the state over time, Providence, Cranston and Pawtucket still account for more than 36 percent of the state's employment base.

Employment in downtown Providence consists mainly of healthcare, public sector, professional services and educational services jobs. This is a fairly predictable mix of industry for a city that houses state and local government employees and a number of major educational institutions, hospitals and medical facilities. Trade, transportation and utilities employment is more prevalent along the periphery of Providence, adjacent to Johnston, East Providence, and North Providence.

Educational and professional service workers each account for more than 25 percent of workers in Pawtucket, but the greater Central Falls and Pawtucket area represents a larger concentration of goods producing businesses (e.g. manufacturing). Trade, transportation and utilities are the predominant industries in Cranston.

Outside the state's urban core, Quonset Business Park is an industry cluster for goods producing/manufacturing industries. Newport's primary industries are accommodation and food services (due largely to the strong tourist industry), professional services, and healthcare.

3.2: Transportation

For most residents in Rhode Island, almost any job in the state can be reached within 30 minutes by car, and Rhode Islanders are heavily dependent on their automobiles. The state has a higher rate of driving alone to work than the nation and a lower share of workers who commute by public transit or carpool. The mean commuting time (24.4 minutes in 2012) is consistent with national norms, with Rhode Island ranking 22nd among the 50 states in commuting time. Nearly 16 percent of the state's workers work out of state; five percent of these workers use public transportation, but most of those drive alone. Among in-state workers, fewer than three percent use public transportation. Four percent walked to work and just over one percent biked. There has been no significant change in commuting patterns since 2000, and none is forecast for the planning period. **Table 3.1** breaks out the commuting patterns by race and ethnicity.

Table 3.1: Commuting Patterns by Race/Ethnicity

Population Group	Total population	White*	Black*	Asian*	Hispanic
Workers 16 years and over	495,901	50,365	396,737	22,981	13,827
Car, truck, or van - drove alone	79.9%	61.5%	83.3%	73.0%	66.3%
Car, truck, or van - carpooled	8.5%	19.1%	6.6%	9.8%	16.3%
Public transportation (excluding taxicab)	3.0%	7.5%	1.9%	7.7%	6.6%
Walked	3.6%	4.5%	3.2%	5.8%	6.0%
Other means	1.6%	4.8%	1.2%	1.8%	1.2%
Worked at home	3.5%	2.6%	3.8%	2.0%	3.5%
Mean travel time to work (minutes)	23.6	22.5	23.8	22.9	23.7

* Race alone, not Hispanic

Source 2012 3-Year American Community Survey, S0201

The quasi-public Rhode Island Public Transit Authority (RIPTA) provides transit service to 36 of the state's 39 communities, but service is limited in many areas. Bus routes are concentrated in the metropolitan core and likely to remain so; outlying areas not only have limited access to routes but those routes are predominantly directed into the inner cities.

For most Rhode Islanders, cars are a necessity – or a lifestyle choice – even for those who are not in the work force and those who live in urban areas with transit access. Only three percent of homeowners have no car, while 62 percent have two or more cars. Among renter households, 20 percent have no car, while 28 percent have two or more. Among homeowners with no car, most (62%) are age 65 or over. Car-less renters are spread more evenly among age groups. Households of color are less likely to own cars than Whites. Statewide, 92 percent of White households have at least one car compared to 83 percent of minority households. In general, it is the elderly, very low income individuals and families, and those with disabilities who are most dependent on public transit to access healthcare, jobs, social services, or to meet other basic needs.

Rhode Island's most "location-efficient" communities – those with the lowest transportation costs – are the urban core communities with the lowest home prices (Providence, excluding the East Side; Central Falls; Pawtucket; West Warwick). They rank as most affordable by all three standards: housing cost, transportation cost and combined cost. Providence's East Side is an exception. It retains its title as the state's most expensive market, even with its low transportation costs, because its home prices are so high.

3.3: Educational Opportunity

The disparity between Blacks and Whites and Hispanics and Whites in labor force engagement indicates that Rhode Island's communities of color do not fully benefit from their proximity to employment opportunities. The *Equity Profile* attributed the lower rates of job participation and higher rates of unemployment to lower levels of educational attainment among Blacks and Latinos. **Table 3.2** documents the educational gap. While 41.5 percent of White and 55.2 percent of Asians over the age of 25 have a bachelor's degree or higher, just 24.1 percent of Blacks and 17 percent of Latinos do. More than one third of Latino adults have less than a high school diploma; in contrast just 7.5 percent of Whites lack their diploma.

Table 3.2: Educational Attainment by Race/Ethnicity

Population Group	Total population	White*	Black*	Asian*	Hispanic
Population 25 years and over	710,902	575,532	30,892	18,909	69,032
Less than high school diploma	15.2%	11.6%	20.4%	23.7%	39.4%
High school graduate (includes equivalency)	27.1%	27.4%	26.7%	18.5%	27.5%
Some college or associate's degree	26.7%	27.1%	33.7%	15.0%	21.9%
Bachelor's degree	18.6%	20.2%	12.7%	22.4%	8.0%
Graduate or professional degree	12.4%	13.6%	6.5%	20.5%	3.2%

* Race alone, not Hispanic

Source 2012 3-Year American Community Survey, S0201

The effectiveness of the local schools is the most important opportunity factor for children, but Rhode Island's children of color, particularly Black and Latino children, overwhelmingly reside in communities with the greatest educational challenges and the poorest educational outcomes. The state is not unusual in this regard. Research on residential segregation in the U.S. has long shown that Black and Latino

children grow up, not only in separate neighborhoods from their White peers, but in neighborhoods that are, in many ways, unequal.

Elementary and secondary education in Rhode Island is local, as it is in most of the country, and where a child lives largely determines what schools she attends. There are 48 local education agencies (LEAs): 36 locally operated public school districts, 8 charter schools and 4 state-operated schools. Districts range in size from New Shoreham (with 140 students) to Providence (with 26,741 students), and educational opportunity varies widely across them.

With cities and towns so highly segregated by race and ethnicity, there is little opportunity for interaction between races and ethnic groups among the region's youth:

- Over 85 percent of Black and Latino school age children (5-17) live in Rhode Island's eight cities compared to 62 percent of Asian and 26 percent of non-Hispanic White children.
- Nearly 70 percent live in just three cities – Providence, Pawtucket and Central Falls – giving those cities student populations that are 85 percent, 61 percent and 87 percent minority.
- In Rhode Island's eight cities combined, over 55 percent of the 5-17 year olds are children of color; 45 percent are non-Hispanic Whites. In contrast, Blacks and Hispanics represent fewer than 5 percent of the 5-17 year olds in 18 suburban and rural towns. In 9 others, they represent between 5-10 percent.

The school systems of Providence, Pawtucket and Central Falls face myriad challenges and their performance reflects this. They educate the highest percentage of immigrants and English language learners, and more than three-quarters of their students are eligible for free or reduced cost lunch. Fewer than 50 percent of students in all three districts scored proficient or better in math in 2013; in reading, only Pawtucket had more than half scoring proficient (63%). In the eight cities combined, 62 percent of the 5-17 year olds are children of color; 38 percent are non-Hispanic Whites. The State has instituted a comprehensive Progressive Support and Intervention strategy to assist those schools/districts not meeting the Adequate Yearly Progress required by the federal No Child Left Behind Act of 2001, but four school districts remain in corrective action: Providence, Central Falls, Woonsocket, and Pawtucket. These are the four districts with the highest percentages of poverty and of students of color. Several key indicators suggest that Rhode Island has improved public school performance overall over the past decade, including in those four cities, but clearly more needs to be done.

3.4: Health Opportunity

Health disparities compromise the ability of communities to thrive and have access to a prosperous life. Increased access to opportunity in this area may be linked to factors ranging from adequate access to health services, to access to culturally friendly information, to adequate infrastructure, to ensuring that homes and neighborhoods do not increase risks to health. The Providence Plan prepared Map 3.2 on behalf of the Rhode Island Department of Health, showing environmental risks to children living in particular census based on the age of the housing stock in the neighborhood, the share of children living in homes with income below 200 percent of the federal poverty level and the share of children under age 6 with first-time elevated blood lead levels. Combining these three measures into a single healthy housing indicator provides a more comprehensive assessment of the overall housing status for a community census tract (**Map 3.2**). Despite current measurement limitations, the nature of the healthy housing challenge in Rhode Island is clear—too many children live in old houses within neighborhoods affected by poverty.

The map displays the following counties and their approximate color-coded health status:

- Woonsocket:** Red (Less Healthy)
- North Smithfield:** Orange (Mid-range)
- Cumberland:** Orange (Mid-range)
- Burrillville:** Yellow (More Healthy)
- Glocester:** Yellow (More Healthy)
- Smithfield:** Orange (Mid-range)
- Lincoln:** Orange (Mid-range)
- Central Falls:** Red (Less Healthy)
- North Providence:** Red (Less Healthy)
- Providence:** Red (Less Healthy)
- East Providence:** Red (Less Healthy)
- Johnston:** Orange (Mid-range)
- Cranston:** Orange (Mid-range)
- Berlin:** Yellow (More Healthy)
- Warren:** Yellow (More Healthy)
- Woonsocket:** Orange (Mid-range)
- West Warwick:** Orange (Mid-range)
- East Greenwich:** Orange (Mid-range)
- West Greenwich:** Yellow (More Healthy)
- Coxeter:** Yellow (More Healthy)
- North Kingstown:** Orange (Mid-range)
- Kingston:** Orange (Mid-range)
- North Kingstown:** Orange (Mid-range)
- Richmond:** Yellow (More Healthy)
- Hopkinton:** Yellow (More Healthy)
- South Kingstown:** Orange (Mid-range)
- Charlestown:** Yellow (More Healthy)
- Narragansett:** Orange (Mid-range)
- Westerly:** Yellow (More Healthy)
- Portsmouth:** Yellow (More Healthy)
- Bristol:** Orange (Mid-range)
- Tiverton:** Yellow (More Healthy)
- Little Compton:** Yellow (More Healthy)
- Newport:** Red (Less Healthy)
- Middletown:** Orange (Mid-range)
- Westerly:** Yellow (More Healthy)
- New Shoreham:** Yellow (More Healthy)

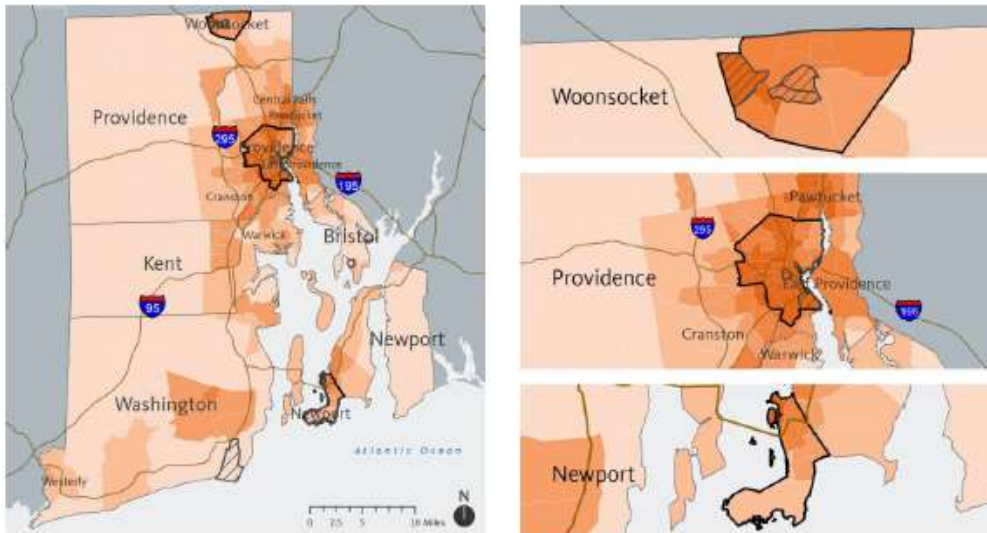
A scale bar indicates distances from 0 to 10 miles. A legend on the right shows the color gradient: Yellow for 'More Healthy', Orange for 'Mid-range', and Red for 'Less Healthy'.

Food Deserts

RI Regional Analysis of Impediments

using the U.S. Department of Agriculture’s Food Access Research Atlas.²⁷ Most are located in Providence and Woonsocket. Blacks and Latinos make up a much higher share of the population in food deserts (29 percent) than in areas with better food access (17 percent). A food desert is also found in some predominantly White tracts located on the southern coast of the state, which also have high rates of poverty. **Map 3.3** highlights the census tracts identified by the USDA as “possible” food deserts. Most are located in Providence and Woonsocket.

Map 3.3: Census Tracts Considered Food Deserts by the US Department of Agriculture



Source: Data - US Department of Agriculture, map – Geolytics, reprinted from An Equity Profile of Rhode Island Percent People of Color by Census Tract, 2010



Environmental Risks and Hazards

Lead

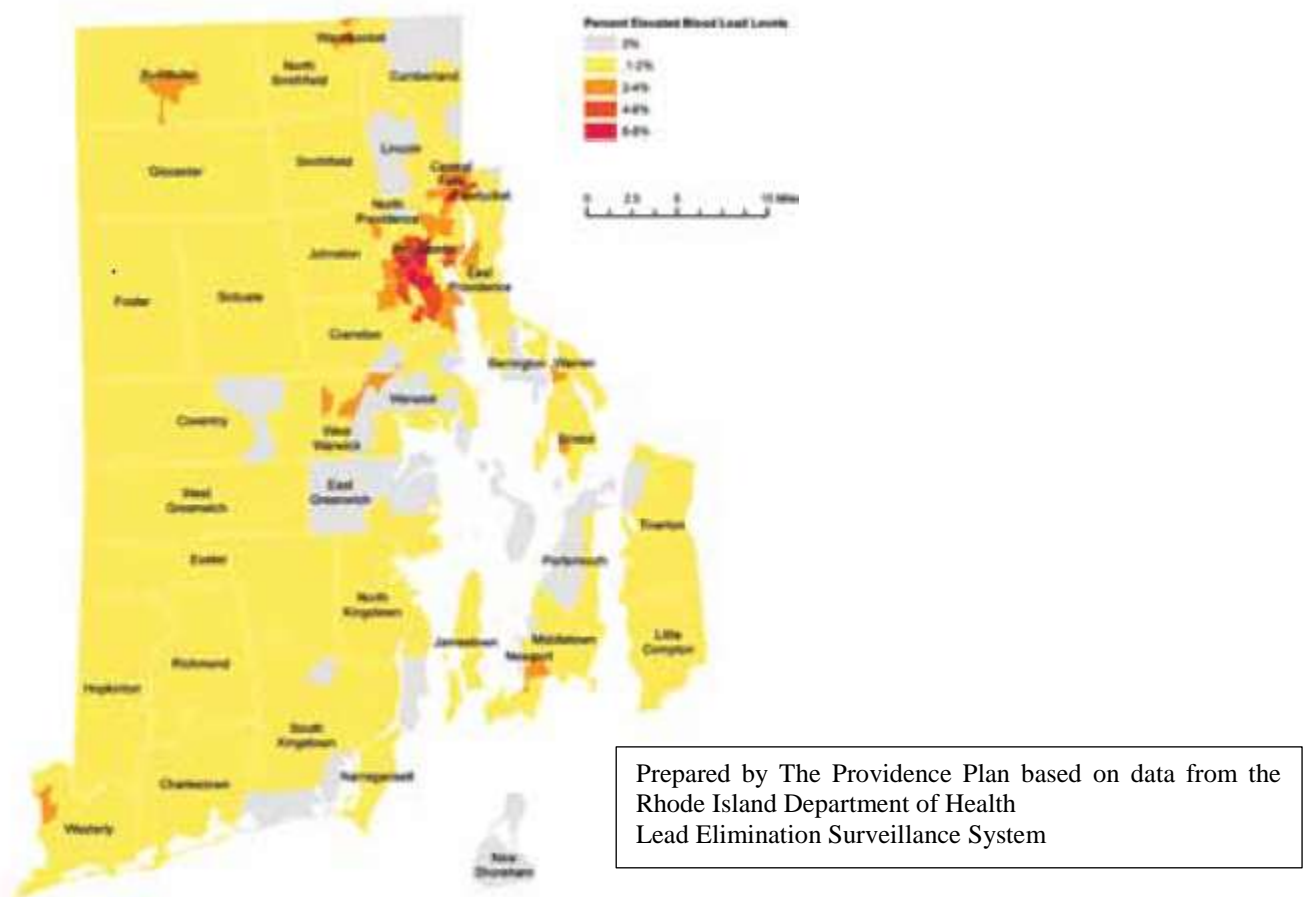
Children under the age of six are particularly vulnerable to lead poisoning both because they are more likely to ingest lead from painted surfaces in the home and because ingested lead can adversely affect the development of children’s brains, central nervous systems, and other organ systems. Rhode Island healthcare providers are required by law to conduct at least two blood lead screening tests on all children by three years of age; high-risk children need to be screened annually until the child reaches six years of age. The law requires healthcare providers to collect and report information on the race and ethnicity of those tested, but it is estimated that fewer than half the blood lead records collected from laboratories and hospitals in the state complied.²⁸

²⁷ This tool incorporates the USDA definitions of what foods are healthy and nutritious, food affordability, where those foods are available, consumer travel patterns, consumer income, car ownership and availability of public transportation. A food desert is defined by income, accessibility (more than one mile) and vehicle ownership.

²⁸ 2012 Healthy Housing Data Book A report from the Healthy Housing Collaborative, convened by the Rhode Island Department of Health

Even absent complete and accurate reporting, the impact on children of color is evident from the location of reported cases of elevated blood lead levels. The State designates as “core cities” municipalities where the child poverty level is greater than 15 percent. Based on 2010 Census estimates, these include the majority minority cities of Central Falls and Providence as well as Pawtucket and Woonsocket. Most cities and towns, including these four, have experienced a dramatic decline in the incidence of elevated blood lead levels over the last ten years, but cases of lead poisoning continue to cluster in the core cities. In 2011, the most recent year for which such data are available, the incidence of lead poisoning in these four cities was 1.2 percent, three times as high as the 0.4 percent incidence in other Rhode Island cities and towns. These cities also have a significantly higher incidence rate of blood lead levels greater than or equal to 5 µg/dL (7.4%) compared to other cities and towns (3.7%).²⁹ While there is substantial evidence suggesting that blood lead levels lower than 10 µg/dL may cause neurological problems in children, Rhode Island currently uses a first-time venous blood lead level of 10 µg/dL as an action level to initiate the delivery of services. Resource constraints and a lack of data showing the effectiveness of interventions at lower blood lead levels are barriers to extending services to more children. For the purpose of delivering services to children and families, Rhode Island categorizes lead-poisoned children in two ways: those with elevated blood lead levels and those with significant lead poisoning. **Map 3.4** shows the geographic distribution of blood level testing, clearly depicting a higher incidence in urbanized areas.

Map 3.4: Children Younger than Six Years Old with First-Time Elevated Blood Lead Levels, 2006-2010

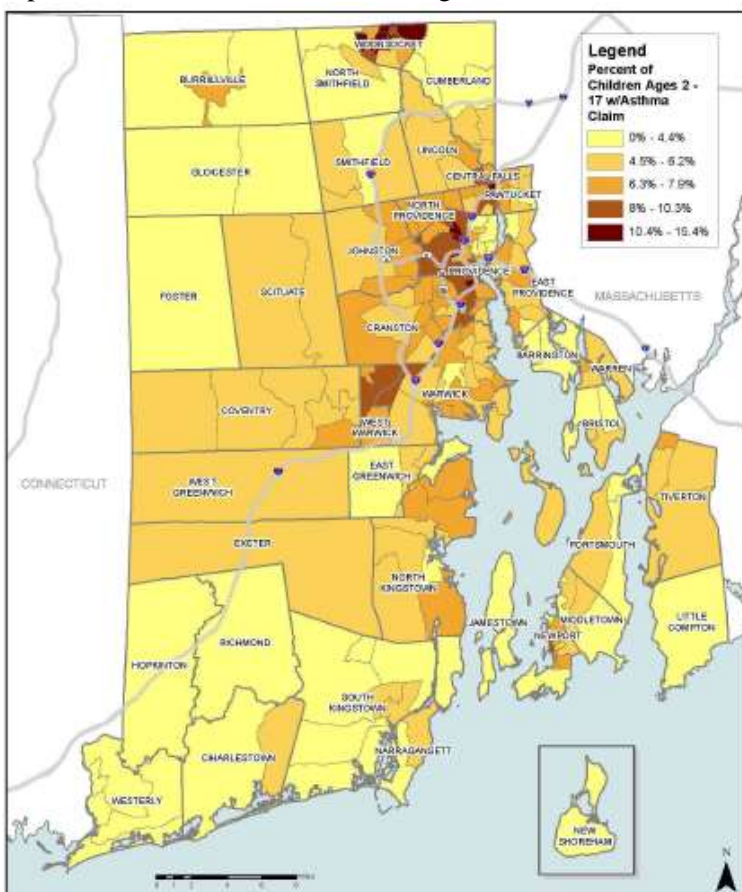


²⁹ Blood lead levels are measured and reported as micrograms of lead per deciliter of blood (µg/dL or mcg/dL). per deciliter of blood (µg/dL or mcg/dL).

Asthma

Information on the geography of asthma comes primarily from Rhode Island Department of Health's 2014 Asthma Claims Data Book.³⁰ The prevalence of asthma claims statewide among children ages 2-17 years old was 12.8% for the 2010-2012 period. The highest average annual rates of asthma claims prevalence in children ages 2-17 years old were in Providence, and Woonsocket. Parts of Newport and West Warwick also display high rates of children with asthma claims. Like elevated blood lead levels, asthma tends to be located in areas where there are high rates of poverty among children. While lead hazard control treatment has been completed on all family public housing in Rhode Island mitigating the risk of lead poisoning to children living there, there is a strong spatial association between the prevalence of asthma claims and the location of public housing. It is unclear whether this simply reflects the fact that a disproportionate share of family public housing is located in high poverty areas or whether children living in public housing are at high risk.

Map 3.5: Percent of Children Ages 2-17 with an Asthma Claim*, 2010-2012 (3 year average)



Source: Rhode Island Department of Health 2014 Asthma Data, based on 2010 Decennial Census and 2011 5-Year American Community Survey. Map produced by The Providence Plan for the Rhode Island Department of Health

³⁰ This report represents the culmination of a two year partnership between the Rhode Island Department of Health's Asthma Control Program and The Providence Plan. The scope of this project was to compile asthma claims data for Rhode Island children between the ages of 2 and 17 years old and to express asthma claims prevalence and healthcare utilization patterns for childhood asthma within a geographic context. This includes identifying communities where children who have sought medical care for asthma are most prevalent, mapping areas where higher rates of children with asthma are seeking emergency department care or are hospitalized for asthma, and mapping the proximity of asthma incidence to some of the socioeconomic and physical determinants of health: poverty and housing. The report also examines rates of chronic absenteeism among public school students with asthma claims.

3.5: Summary

As Rhode Island undergoes a rapid demographic transformation, ensuring that all of its residents can participate in and contribute to the state's economy is an economic imperative. To take advantage of its growing, diverse population and build a more equitable and sustainable economy, Rhode Island must take steps to better connect its communities of color to jobs, healthy housing, health services, and quality education.

The importance of having affordable housing options (both market rate and long term affordable) in a variety of community types and locations is vital. Without an adequate supply of housing that is affordable and accessible in healthy communities offering good schools and employment opportunities, people living in poverty, people of color, persons with disabilities, and members of other protected classes will continue to face barriers to meaningful choice in housing opportunity.

Chapter 4: Impediments to Fair Housing

4.1: Market Conditions

Economic conditions and market forces during the first decade of the 21st century aggravated a number of longstanding fair housing conditions and gave rise to a new set of issues that have disadvantaged people of color. Compounding the damage is the fact that communities of color have been among those most adversely affected by the job losses and high unemployment resulting from the severe and prolonged recession. Four trends had particularly important fair housing consequences: the volatility in the housing market; highly concentrated minority homebuying; subprime lending and reckless mortgage practices in general; and concentrated foreclosures.

Issues and impediments to fair housing due to market conditions include:

- Rhode Island's minority households have rates of homeownership well below those of neighboring states and the nation as a whole. As the minority community continues to grow, it is critical that they have equal access to affordable homeownership opportunities.
- Regardless of the cause, residential segregation contributes to disparities in education, employment and wealth. More strategies are required to ensure that the housing choices of its residents of color are not being limited because of discrimination in the housing market, discriminatory public policies or a lack of information about the residential opportunities available to them.
- Despite the fact that many predatory lending practices and abusive features associated with subprime lending during the housing boom have been banned, there remains a race-associated disparity in conventional lending between non-Hispanic Whites and Blacks and Latinos and continued denial rate disparities.

The Rise and Fall of Subprime Lending

During the 1990s, the U.S. mortgage industry underwent a dramatic transformation. Changes in the way mortgage applications were generated, evaluated and funded brought new players, products and practices into the marketplace.

At the same time, the mortgage products themselves were becoming more risky. Interest-only adjustable-rate mortgages (ARMs) allowed the homeowner to pay only interest during an initial "teaser" period. Such teaser rates enabled borrowers to qualify at the discounted rate, but after the initial period the rate could rise. Still riskier payment option loans let the homeowner decide how much to pay each month, including the option to make monthly payments that didn't even cover the interest during the first two or three years of the loan.

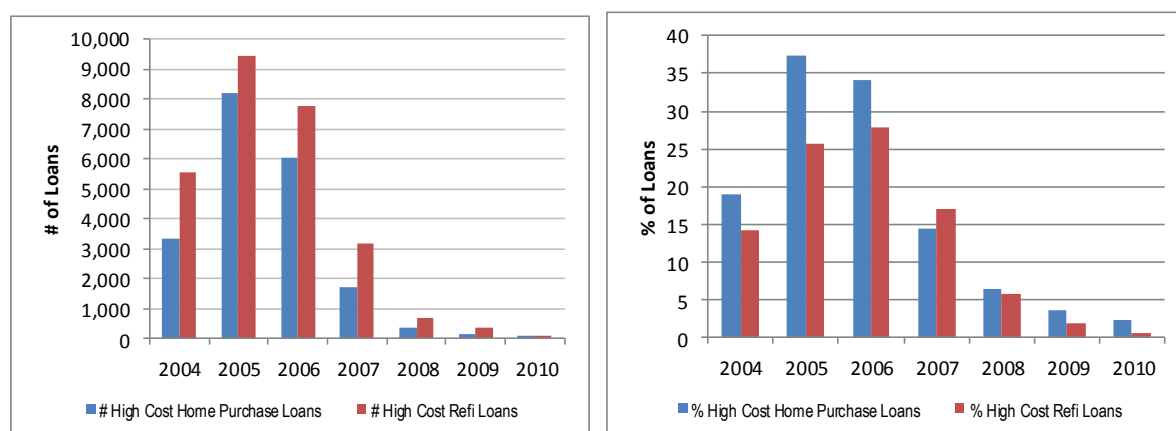
With little regulatory oversight, the highly unregulated subprime market exploded and grew at exponential rates. The increased availability of mortgages to communities of color – long underserved by many traditional lenders – came primarily through this newly created subprime mortgage market that made loans available to higher risk and non-traditional borrowers, albeit at higher interest rates. Many of these borrowers were not, in fact, high risk – they were just underserved by conventional lending institutions.

The rise in subprime (high cost) lending tracked the rise in home prices. Home sales peaked in 2004 in Rhode Island, while home prices peaked the following year. The number of home purchase subprime loans also peaked in 2005; subprime refinancing loans peaked the following year (**Figure 4.1**).

In their 2010 analysis of racial segregation and the foreclosure crisis, Princeton’s Douglas Massey and Jacob Rugh³¹ maintain that segregated housing markets and the historical dearth of mortgage credit in many urban neighborhoods created “a unique niche of minority clients who were differentially marketed risky subprime loans that were in great demand for use in mortgage-backed securities that could be sold on secondary markets.” Residential segregation, they note, had always created concentrations of potentially exploitable clients in need of capital (e.g. pawn shops, payday lenders). It was only with the rise of securitized mortgage lending that previously ignored minority households became desirable clients. Since virtually any mortgage, regardless of quality, could be sold and repackaged as part of a mortgage backed security collateralized debt obligation, risky borrowers who were formerly shunned by lenders suddenly became quite attractive.

Rugh and Massey conclude that this outcome was not simply a result of neutral market forces but was structured on the basis of race and ethnicity through the social fact of residential segregation. Discriminatory subprime lending, they argue, was simply the latest in a long line of illegal practices.

Figure 4.1: The Rise and Fall of Subprime Lending in Rhode Island



Source: 2004-2010 Home Mortgage Disclosure Act Statements

Black and Latino borrowers were much more likely to have received subprime loans during this period than were White borrowers. The subprime loan shares for Blacks and Latinos in Rhode Island in 2005, for example, were 64 percent and 66 percent respectively, compared to 22 percent for Whites and 27 percent for Asians. Subprime loans were more prevalent in lower income neighborhoods and among lower income borrowers, but even comparing applicants with similar income profiles, minorities were more likely to receive high cost loans.

³¹ “Racial Segregation and the American Foreclosure Crisis,” Douglas S. Massey and Jacob S. Rugh, American Sociological Review at George Washington University, 2010.

Research has since shown that many who received high cost subprime loans could have qualified for a prime loan.³² Subprime lenders had a financial incentive to steer borrowers into subprime loans, because they generally resulted in substantially higher fees than their prime loan products did. Traditionally underserved markets – low-income census tracts and minority borrowers – were aggressively, often deceptively, targeted by many subprime lenders. **Table 4.1** documents the higher cost such a borrower was likely to have incurred on a \$300,000 30-year fixed rate mortgage during the peak of the housing boom in 2005.

Table 4.1: A Comparison of Monthly Payments, Prime Pricing versus Subprime on a \$300,000 Loan

Type	Interest Rate	Monthly Payment	Addl monthly cost over prime-rate loan	Addl annual cost over prime-rate loan
Prime loan	6.00%	\$1,799	--	--
Minimum-rate High APR (subprime) loan	7.75%	\$2,149	\$350	\$4,200
Medium-rate High APR (subprime) loan	9.41%	\$2,503	\$704	\$8,448

Source: *Borrowing Trouble VII*, Jim Campen, Massachusetts Community and Banking Council

Racial Disparities Remain in the Post-Subprime Era

By the end of 2008, subprime lending had ceased to be a major factor in mortgage finance. Nationwide, high cost loans dropped as a share of home purchase originations from about 25 percent in 2005 to less than 3 percent in 2012.³³ Rhode Island, in fact, now has one of the lowest levels of high cost lending in the nation.³⁴ There remains a race-associated disparity in conventional lending, however, between non-Hispanic Whites and Blacks and Latinos. Government-backed loans (FHA-insured or VA-guaranteed loans, or GBLs) are now the primary product for borrowers unable to get approved for, or afford, a conventional mortgage, and Black and Latino borrowers receive disproportionately more GBLs than do White and Asian borrowers.

Table 4.2 illustrates the disparity, comparing the subprime loan share (subprime loans divided by all loans) of Black, Hispanic and Asian borrowers between 2003 and 2007 with the subprime share non-Hispanic White borrowers and the government loan shares of the various groups from 2008 through 2011. The disparity is greatest between Whites and Latinos. Latinos were more than three times as likely as a White borrower to receive a subprime loan; now they are three times as likely to receive a government loan. The disparity is just slightly less pronounced between Blacks and Whites.

³² Freddie Mac estimated that borrowers of 15 to 35 percent of all subprime loans it bought in 2005 could have qualified for prime-rate loans. Fannie Mae estimated up to 50 percent of the borrowers, whose subprime loans it bought that year, had credit profiles that could have qualified them for prime rates.

³³ Home Mortgage Disclosure Act

³⁴ CFED. High cost is defined as loans with a rate spread of 1.5 percentage points for a first lien loan and 3.5 percentage points for a second lien loan between the loan's APR and the estimated average prime rate offer.

Table 4.2 Disparity Among Racial/Ethnic Groups in Share of Subprime and Government Loans

	Racial Group's Share of Subprime Loans as % of Total Compared to White Share						Racial Group's Share of Government Loans as % of Total Compared to White Share				
Home Purchase	2003	2004	2005	2006	2007		2008	2009	2010	2011	2012
White	1.0	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0	1.0
Asian	1.3	1.4	1.2	1.3	1.4		1.1	1.3	1.4	1.1	0.4
Black	3.5	2.9	2.9	2.7	2.6		2.5	2.8	2.8	2.9	2.9
Hispanic	4.3	3.2	3.0	2.8	3.1		2.4	3.0	3.1	3.5	2.8

Source: 2003-2012 Home Mortgage Disclosure Act Statements

Reliance on Government-backed Loans

Government-backed loans are somewhat more expensive than conventional prime loans, but they are generally considered responsible and sustainable loans. James Campen, professor emeritus of economics at the University of Massachusetts and an authority on mortgage lending practices, explains it this way: “They [GBLs] are not a problem in themselves, but are a symptom of – and a constructive response to – a deeper problem: the limited availability of conventional prime loans to lower-income and minority borrowers and neighborhoods.”³⁵

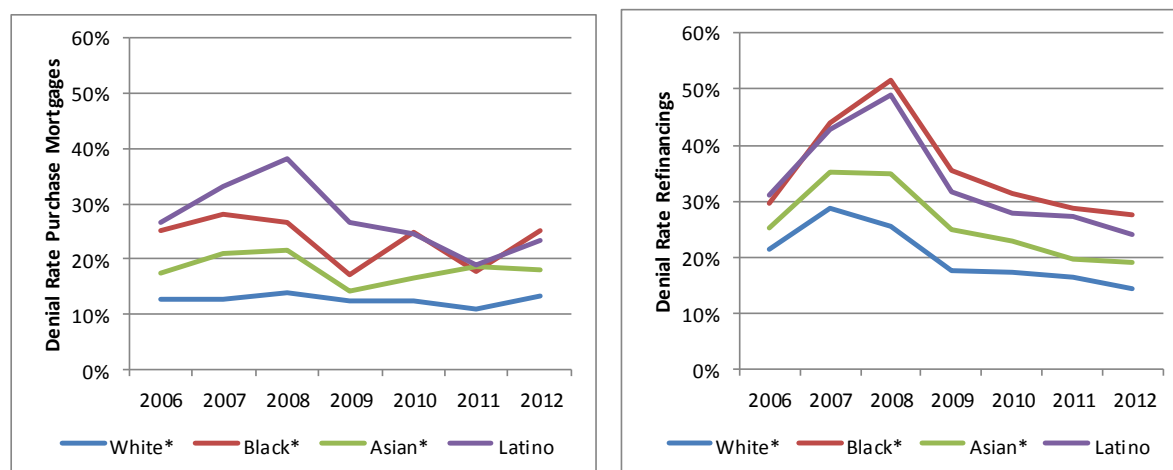
GBLs accounted for more than 70 percent of all home-purchase loans in Pawtucket between 2010 and 2012; their share in the other Entitlement Communities ranged between 54 and 62 percent. The GBL home purchase loan shares in 2012 were 59.4 percent for Asians, 61.5 percent for Blacks and 65.5 percent for Latinos, compared to 30.4 percent for Whites.

Persistent Denial Rate Disparities

In addition to reporting the gender, race, ethnicity, and income of mortgage applicants, and information about the loan requested (or granted) and the property securing it, lenders are required by the Home Mortgage Disclosure Act (HMDA) to report the disposition of each application they take. Every year since 1990 when these reporting requirements first took effect, a significant and persistent gap in the denial rates of Black and Latino applicants compared to White applicants and, to a lesser degree, between Whites and Asians, has been reported. The Rhode Island trend mirrors the national trend in this regard (**Figure 4.2**).

³⁵ *Changing Patterns XVIII*, James Campen, Massachusetts Community and Banking Council.

Figure 4.2: RI Denial Rates by Race/Ethnicity: Home Purchase Mortgages and Refinancings



Source: Home Mortgage Disclosure Act (HMDA) Statements, 2006-2012

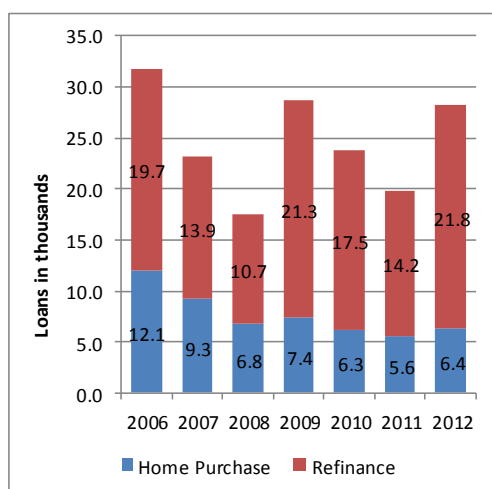
The disparity persists across income groups and is often most pronounced among the highest income applicants, as is the case with Blacks and Latinos.

The Home Mortgage Disclosure Act (HMDA) reports and underlying data (the loan application registers, or HMDA LARs) can provide valuable and early insights into changing market conditions at the census tract level and economic and demographic characteristics of those buying or refinancing – or seeking to buy or refinance – a home. Data is available annually at a geographic level that is only available every five years from the Census Bureau’s American Community Surveys. To get a clearer understanding of what groups (income, race, ethnicity) were purchasing or refinancing property in Rhode Island in recent years, and where they were buying, we analyzed mortgage lending patterns from the 2010-2012 HMDA loan application registers, the most recent available.

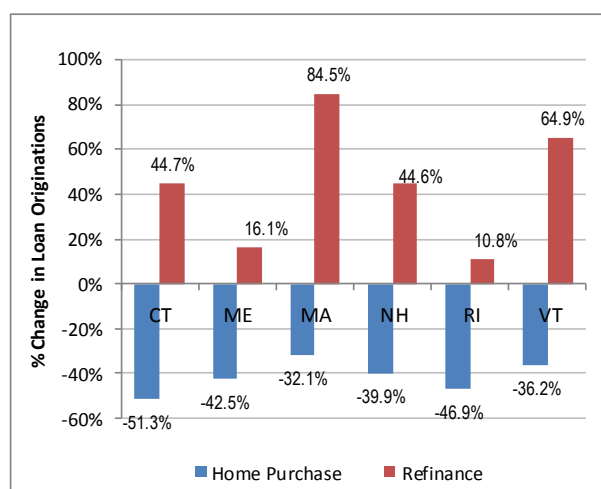
By 2011, the number of home purchase mortgages in Rhode Island had dropped by more than 54 percent from their 2006 peak; even refinancings remained nearly 28 percent below peak. They rose modestly in 2012 (still 46 percent below peak for purchase mortgages but an 11 percent increase over 2006 in refinances). While the housing market continued to improve in 2013 and 2014, Rhode Island still trails all other New England states except for Connecticut in terms of the recovery of the home purchase market as **Figure 4.3** illustrates.

Figure 4.3: Mortgage Lending in RI and Change in Mortgage Lending by New England State

Mortgage Lending in RI, 2006 – 2012



Change in Mortgage Lending by New England State, 2006-2012



Source: 2006-2012 HMDA. Data compiled by the Federal Reserve Bank of Boston

The number of loans made to Black and Latino households in 2012 – down by nearly 11 percent and 16 percent, respectively, from their 2006 levels – is noteworthy because of the contrast with White and Asian lending. This is the reverse of what was happening in 2005 and 2006 when Black and Latino homebuying remained elevated even after the market had peaked, while Asian and White homebuying had already begun to fall.

Table 4.3: Number and Share of Home Purchase Loans by Race/Ethnicity 2006 and 2012

Year	White*	Latino	Black*	Asian*	Total
2006 - #	8,477	1,530	522	238	10,767
2006 - %	78.7%	14.2%	4.8%	2.2%	100.0%
2012 - #	14,564	1,275	466	378	16,683
2012 - %	87.3%	7.6%	2.8%	2.3%	100.0%
% Change	71.8%	-16.7%	-10.7%	58.8%	

Based on purchases financed with a first lien mortgage from a HMDA-reporting institution.

Source: 2006 HMDA. Data compiled by the Federal Reserve Bank of Boston, 2012

Foreclosures

Foreclosures have had a devastating effect on Rhode Island homeowners and entire communities, and they continue to weigh heavily on the housing market. According to HousingWorkRI's 2014 Housing Fact Book, over 16,000 homes have been foreclosed on since 2009 in Rhode Island, as of the second quarter of 2014. This total includes 6,677 single family homes, 3,183 multifamily buildings (totaling 8,715 apartments) and 887 condos. With a total housing stock of roughly 460,000 homes, the amount of homes that have been foreclosed on since 2009 represents almost 3.5% of the state's housing.

Because foreclosure records do not include borrower characteristics such as income, race or ethnicity, it is not known just how many of those who have lost their homes, or are at risk of losing them, are people of color and how many are non-Hispanic Whites. What is clear is that segregation spatially concentrates the

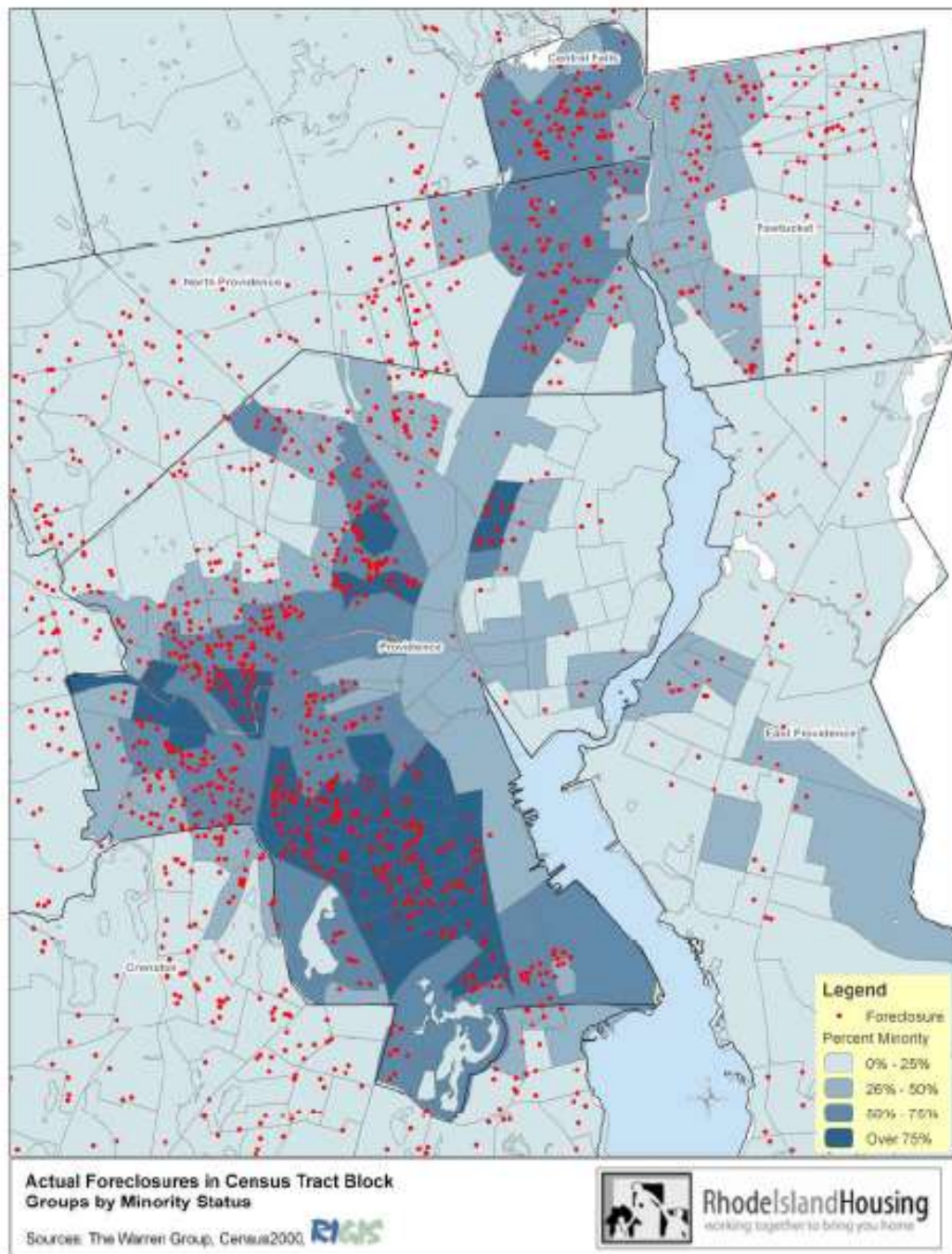
effects of any economic downturn, and the rise in foreclosures hit the state's Black and Hispanic neighborhoods particularly hard. The widespread subprime lending in Rhode Island's communities of color during the late 1990s and early part of the 2000s decade led to a concentration of foreclosures in these neighborhoods, eroding the gains in minority homeownership and the stability of entire neighborhoods.

Map 4.1 presents a snapshot of foreclosure activity in Providence and surrounding communities during the worst of the crisis in 2009 and 2010. The map documents the correlation between neighborhood racial composition and foreclosures, but it also underscores the point that the devastation of the foreclosure crisis is not limited to one racial or ethnic group.

While foreclosure records do not include borrower characteristics (as discussed above) a number of studies have concluded that Blacks and Latinos have been disproportionately affected. In 2011, the Center for Responsible Lending conducted a comprehensive analysis of foreclosures nationwide that combined proprietary datasets not generally available to the public, public records and HMDA data. *Lost Ground, 2011: Disparities in Mortgage Lending and Foreclosures* addressed three key questions: who lost their homes to foreclosure and who is still at risk; what kinds of mortgages were most likely to end in default; and where had the foreclosure crisis had the greatest impact. Among its key findings:

- Foreclosure patterns are strongly linked with patterns of risky lending. The foreclosure rates are consistently worse for borrowers who received high-risk loan products that were aggressively marketed before the housing crash, such as loans with prepayment penalties, hybrid adjustable-rate mortgages (ARMs), and option ARMs. Foreclosure rates are highest in neighborhoods where these loans were concentrated.
- As the Rhode Island HMDA data revealed, Blacks and Latinos were much more likely to receive high interest rate (subprime) loans and loans with features that are associated with higher foreclosures. According to the CRL study, these disparities were evident even comparing borrowers within the same credit score ranges; in fact, they were especially pronounced for borrowers with higher credit scores. For example, among borrowers with a FICO score of over 660 (indicating good credit), Blacks and Latinos received a high interest rate loan more than three times as often as White borrowers.
- Racial and ethnic differences in foreclosure rates persist even after accounting for differences in borrower incomes. For example, the study found that approximately 10 percent of higher-income African-American borrowers and 15 percent of higher-income Latino borrowers had lost their home to foreclosure, compared with 4.6 percent of higher income non-Hispanic White borrowers.
- The majority of people affected by foreclosures have been White families. However, borrowers of color are more than twice as likely to lose their home as White households. These higher rates reflect the fact that African Americans and Latinos were consistently more likely to receive high-risk loan products, even after accounting for income and credit status. The researchers estimated that approximately one quarter of all Latino and African-American borrowers had lost their home to foreclosure or were seriously delinquent, compared to just under 12 percent for White borrowers. Asian borrowers have fared better as a whole than Latino and African-American borrowers, but they, too, have disproportionately affected in some markets.

Map 4.1: Foreclosures in Census Tract Block Groups by Minority Status, Providence and Surrounding Communities, 1/2009 - 6/2010*



* Includes Central Falls, Cranston, East Providence, North Providence, Pawtucket, and Providence. Actual foreclosures represent both mortgagee and foreclosure deeds filed as allowed by Rhode Island law.

While most key indicators show that the housing market is recovering and the worst of the foreclosure crisis has passed, these communities continue to be hard hit.

Foreclosures in the Entitlement Communities: A Closer Look

The six Entitlement Communities account for over 60 percent of all Rhode Island foreclosures between January 1, 2009 and March 31, 2014, and more than 78 percent of the multi-family (2-4 family) foreclosures. Providence alone accounted for 23 percent of the total foreclosures and 47 percent of the multi-family foreclosures. Over 95 percent of the Providence foreclosures (both total and multi-family) were in neighborhoods other than the East Side. The Entitlement Communities have also been among the hardest hit when the foreclosures are measured as a share of the municipality's mortgaged housing stock, but several other communities have been badly impacted as well. These include Central Falls, North Providence, West Warwick, Johnston, and Coventry (**Table 4.4**).

Table 4.4: Rhode Island Communities Hardest Hit by Foreclosures, 2009-2014*

City/Town	Total Foreclosures 2009-Q1 2014	Rank (1=highest number of 39)	Single Family and Condo Foreclosures 2009-Q1 2014	Multi-family Foreclosures 2009-Q1 2014	Mortgaged Stock	Total Foreclosures as % of Mortgaged Stock (2009-Q1 2014)	Rank (1=highest rate of 39)
Total Entitlement Communities	6,254		3,830	2,424	73,514	8.5%	
Entitlement Communities' Share	60.2%		52.6%	78.3%			
Providence	2,378	1	938	1,440	17,088	13.9%	3
<i>Providence (excluding East Side)</i>	2,179		842	1,337	13,166	16.6%	
Warwick	1,252	2	1,170	82	19,366	6.5%	8
Pawtucket	877	3	479	398	9,152	9.6%	5
Cranston	799	4	639	160	14,703	5.4%	9
Woonsocket	634	5	336	298	4,859	13.0%	4
East Providence	314	10	268	46	8,346	3.8%	14
Central Falls	209	11	39	170	1,157	18.1%	1
North Providence	478	6	415	63	2,706	17.7%	2
West Warwick	464	7	326	138	5,669	8.2%	6
Johnston	426	8	381	45	5,961	7.1%	7
Coventry	409	9	387	22	8,242	5.0%	10

Ranked by number of foreclosures and foreclosures as a share of mortgaged housing stock
Source: HousingWorks RI analysis of The Warren Group Foreclosure Deed data

Economists and policy makers in increasing numbers have now acknowledged what civil rights advocates have long held: the roots of this crisis were not simply a result of an overheated housing market, the rapid growth of collateralized mortgage obligations and the exotic loan products that were created to meet the demand for these high yielding securities; but were exacerbated by historic discrimination and more recent, if less overt, racial discrimination in housing and mortgage lending.³⁶

Rhode Island's rental market

Much has changed since 2009, in which the American Community Survey 5-year measured 256,593 owner-occupied households and 147,634 renter-occupied households in Rhode Island. The 2013 ACS 5-year showed a 2% decrease in owner-occupied households and an 8% increase in renter-occupied households since that time. The rental vacancy rate in 2009 was 8.4% while in 2013 it was 6.1% (Federal

³⁶ *The Future of Fair Housing*, the report of the National Commission on Fair Housing and Equal Opportunity, December 2008.

Reserve Economic Data): Renter-occupied households are in more demand now compared to five years ago, which makes the findings of increased averages rent not surprising.

Median household income for renter-occupied households has risen only 2.13% in nominal terms since 2009 (not adjusted for inflation), though owner-occupied households have not fared much better (a nominal percent increase of 3.8%). However, the median household income for owner-occupied households is still 2.5 times (\$78,065 owner, \$30,635 renter) that of the median household income for renter-occupied households, a significant gap given that the average households sizes are only separated by 0.38 persons (2.61 owner, 2.23 renter as of 2013). See tables on page 4 for statistical summaries of recent Census data.

Given that the median household income of Rhode Island renters is \$30,635, the typical renter household in the state would need to pay no more than \$766 on rent per month to not be ‘cost-burdened’ by housing. However, per the 2014 survey, an average two-bedroom rental household in the state costs \$1,172 per month, adjusted for utility costs.

The gap between what the typical rental household earns and what they would need to earn to not be cost-burdened by a two-bedroom apartment is \$16,245 a year; in essence, the typical renter household needs an additional minimum wage job per household in order to not be cost-burdened by their current situation. Given that a median is the point where half of the data is greater than that level and half of the data is less than that level, then it is consistent with this analysis that the cost burden rate for renters in 2013 was 51.2% (only 35.5% for owners). Since 2009, this cost burden rate has increased two percentage points for renters and has decreased one percentage point for owners.

Entitlement Community: City of Providence

As the state’s capital and largest city, Providence has a large immigrant population whose English language skills may be limited and who may be unfamiliar with formal financial transactions. This makes them vulnerable to predatory lending practices and exorbitant interest rates that financially burden them. These individuals may also not understand their rights and responsibilities as tenants and/or landlords. Programs that provide culturally-relevant information in the language in which they are fluent are necessary so as to prevent people of color households from missing homeownership opportunities.

Current Programs and Strategies

Rhode Island Housing, the State Office of Housing and Community Development and the Attorney General have all responded aggressively to the foreclosure crisis with a broad array of tools. Some efforts are designed to provide immediate relief to affected owners and tenants. Others focus on revitalizing the hardest hit neighborhoods and ensuring that such revitalization benefits and do not displace existing residents. And still others focus on expanding opportunity for people of color in strong market areas where they have historically been un- or underrepresented.

Recognizing the under-representation of minorities as homeowners as well as the concentration of minority groups in certain municipalities and areas of the state, Rhode Island Housing actively promotes minority participation in all its programs and an equitable geographic distribution of affordable homes throughout the state. In addition to an equitable provision of and participation in housing programs, Rhode Island Housing continues to promote a diverse staff that is reflective of the state. As of 2014, twenty-seven percent of its staff is minority and 35 percent is bilingual, which greatly helps in serving those residents with Limited English Proficiency.

First Homes/Second Mortgages

Rhode Island Housing's homeownership division provides first-time homebuyer loans, home-equity loans, loans for repair and renovation, and a wide range of homebuyer education programs. Services and programs geared towards potential homeowners who may be more likely to be minority includes: Section 8 to homeownership loans, assistance with purchasing of foreclosed homes by first-time homebuyers, and multi-family homebuyer education classes. In 2013, 119 minority households became first-time homebuyers through Rhode Island Housing, representing 24% the organization's home originations, up from 18% in 2012 and 19% in 2011. According to the most recent data available through the Home Mortgage Disclosure Act, 12% of all new home purchases in the state in 2012 were to minority household.

Neighborhood Revitalization

The ongoing foreclosure crisis has brought new urgency to revitalization of distressed neighborhoods, which has been a priority for Rhode Island Housing for many years. The majority of foreclosures have occurred in predominantly low-moderate income neighborhoods with a higher percentage of minority residents.

Rhode Island and the State's Office of Housing and Community Development quickly used the \$19.6 million it received under the Housing and Economic Recovery Act of 2008 (HERA), Neighborhood Stabilization Program (NSP) to assist in the redevelopment of abandoned and foreclosed homes and stabilize at-risk communities. Since 2008, the Neighborhood Stabilization Program has been the source of more than \$26 million in funds to acquire, rehabilitate, or land bank homes. To date, the Rhode Island Neighborhood Stabilization Program has played a pivotal role in more than 300 families finding new homes and revitalizing neighborhoods around the state.

Following the announcement in September 2010 of an additional \$6.3 million in NSP 3 funds (\$5 million in NSP funds for the state and \$1.3 million to the City of Providence) Rhode Island Housing and the Office of Housing and Community Development crafted a draft action plan for the funds. In 2012, \$1,402,079 of NSP 1 and NSP 3 unexpended and program income funds were awarded to create 30 affordable homes in five communities.

In addition to NSP, however, many of the state and Rhode Island Housing administered housing development financing programs are currently prioritizing redevelopment of foreclosed properties. There have been major revitalization efforts underway in Pawtucket and in three Providence neighborhoods particularly hard hit by the crisis, Smith Hill, Olneyville and the West End.

HelpCenter

Rhode Island Housing opened the HelpCenter in November 2007 to help struggling homeowners keep their homes. The HelpCenter is a HUD-approved counseling center designed to provide counseling and education to help Rhode Islanders avoid foreclosure or cope with the loss of their home; make safe, informed decisions about finding an affordable mortgage; and make sense of their existing mortgage. The Center is designed to help clients understand their options, and provide resources and referrals to help with each individual's situation. Since opening in November 2007, more than 15,000 households have contacted the HelpCenter and nearly 10,000 have received counseling services. Each client receives an average of six hours of one-on-one counseling, plus many more hours of staff time devoted to the negotiation of the workout.

Of the nearly 10,000 closed cases, approximately 50% have had resolutions that involved keeping the home. The profile of these households is reflective of Rhode Island Housing's mission of serving low- and moderate-income households in diverse markets: 72% of the households have incomes under

\$60,000/yr, and 24% speak Spanish as their first language. The HelpCenter is supported by federal funds awarded through a NeighborWorks America National Foreclosure Mitigation Counseling grant. In March of 2015, Rhode Island Housing was awarded \$336,614 for Round 9 of the program, which is the largest contributor to funding the operations of the HelpCenter. The Help Center is also supported with funding from the Attorney General's Mortgage Settlement.

Hardest Hit Fund Rhode Island

The U.S. Treasury has made available to Rhode Islanders \$80 million to help those at risk of losing their homes. Rhode Island Housing was designated by the Treasury to oversee the Hardest Hit Fund Rhode Island (HHFRI). The goal of HHFRI was to prevent avoidable foreclosures by helping homeowners who are unable to make their mortgage payments due to a hardship such as job loss or underemployment. Hardest Hit funds were available to homeowners who had a documented financial hardship, and had exhausted all options to maintain mortgage payments and avoid foreclosure. From the program's inception it was revised five times through program amendments approved by Treasury to meet the needs of more Rhode Island homeowners. By the end of 2013, there were more than 5,300 registered applicants. Rhode Island Housing stopped accepting applications as of the end of January 2013 after committing the state's full allotment of funds to assist homeowners. Of the 3,341 funded loans, 733 (24%) were to minority households.

Attorney General Funds

On Thursday, April 5, 2012, a federal judge ordered the nation's five largest mortgage servicers to comply with comprehensive new mortgage loan servicing standards, to provide substantial direct consumer relief and monetary payments, and to submit to an independent monitor, as part of a \$25 billion national mortgage servicing joint state-federal settlement with 49 attorneys general (including Rhode Island's) and the five largest mortgage servicers. The settlement resulted in \$8.5 million being made available for distribution by Attorney General Kilmartin to support foreclosure prevention and housing counseling activities in Rhode Island.

Just Cause Legislation

In 2014 the General Assembly session passed "Just Cause" legislation. This legislation ensures that tenants of properties in foreclosure receive notification that the property may be subject to foreclosure when the mortgage securing the property is 120 days delinquent and again upon initiation of foreclosure. In addition, this legislation ensures that mortgage holders cannot evict tenants living in properties they have foreclosed on without having "Just Cause" for doing so. Just Cause includes failure to pay rent, violations of the lease, committing a nuisance in the unit, using or permitting the unit to be used for any illegal purpose, and refusal of reasonable access to the unit to the owner to make repairs or improvements. Tenants can be evicted if the foreclosing financial institution executes a purchase and sale agreement with a buyer for the property, or the property must be boarded up or demolished because of substantial code violations affecting the health and safety of tenants or to correct an illegal occupancy.

Foreclosure Mediation Law

A new statewide foreclosure mediation law spearheaded by Attorney General Kilmartin and passed by the General Assembly in 2013 has already seen positive results in keeping more Rhode Islanders in their homes. Modeled after a foreclosure mediation process already in place in five Rhode Island municipalities – Providence, Warwick, East Providence, Warren and Cranston – the statewide law has expanded the mediation process to all Rhode Island cities and towns. The new law is important as it establishes a consistent, statewide process for helping Rhode Island homeowners avoid foreclosure. In 2013, 365 at-risk homeowners were reached through the foreclosure mediation program, 93% of who avoided foreclosure.

The statewide law stipulates an earlier start to the outreach process, providing homeowners with the resources they need early enough in the foreclosure process to make a difference. The law ensures that every Rhode Island homeowner who is having trouble making their mortgage payments be given the opportunity to communicate directly with their lender to try and find a solution that will help them get back on track with their mortgage and remain in their home.

Education

Freddie Mac's "Don't Borrow Trouble" campaign was initiated in Rhode Island in September, 2002 under the leadership of the Housing Network of Rhode Island. Don't Borrow Trouble RI is a two-pronged program that combines an extensive public education campaign with comprehensive counseling services to help homeowners avoid scams and resolve any financial difficulties they may be experiencing in an informed and prudent manner. The campaign provides consumers with an 800 number and a website www.dontborrowtroubleri.org for assistance.

The Rhode Island Commission on Human Rights, which primarily serves to enforce antidiscrimination laws in the areas of employment, housing, public accommodations, credit and delivery of services, also regularly holds educational training sessions on fair housing.

Pre-purchase Homebuyer Education and Counseling

An important avenue to increase the percentage of minority homeownership is through the provision of homebuyer group education and individual counseling. In classes, prospective homebuyers learn about the home buying process and the many responsibilities homeownership entails. In individual counseling, clients work one-on-one to improve their credit standing to become mortgage-ready. Recent research shows that homebuyers who attend group education and receive individual counseling are less likely to end up with unsafe mortgages and thereby enjoy more sustainable homeownership.

Rhode Island Housing Homeownership staff taught in-person homebuyer education classes to 1,321 Rhode Island families and individuals. Additionally, 522 homeowners took an online homebuyer education course through Rhode Island Housing's online class provided by eHome America. Housing Network Rhode Island also offers HUD certified homebuyer education classes in English and Spanish.

4.2: Housing Needs and Resources

The major obstacle to meeting the housing needs of Rhode Island's lowest income residents is the growing gap between what it cost to create and maintain decent affordable housing and what very low income households can afford to pay.

Issues and impediments to fair housing due to housing need and resources include:

- Existing housing resources are insufficient to meet the growing needs of low income Rhode Islanders and protected classes are disproportionately represented among those in need of – and receiving – housing assistance.
- Much of the state's public and subsidized housing, particularly housing for families, is located in racially concentrated areas and high poverty areas.
- The policies governing assisted housing, its quality and location affect access to opportunity and have a profound effect on housing choice. Balancing limited resources has always been a challenge and require an approach that considers the following:
 - The State has been committed to expanding housing opportunity in all communities through the state and there is a need for continued prioritization of state investment in affordable housing as well as technical assistance to communities to diversify housing types.
 - In current areas of concentrated poverty, expanded housing opportunities are necessary. In addition, existing urban areas should be revitalized and strengthened for the benefit of existing and future residents.
- Despite the breadth of distribution, voucher utilization remains highly concentrated in high poverty areas, and this concentration is more pronounced among Black and Latino voucher holders than it is among Whites or Asians. Eighteen percent of voucher households rented a home in high poverty census tracts, including nearly 15 percent who rented in racially concentrated high poverty tracts.

Eligibility

Nearly 27 percent of Rhode Island homeowners and 67 percent of renters earn less than 80 percent of the area median income (AMI), making them potentially eligible for various housing and community development programs. Most programs target extremely low and very low income households (those earning less than half the AMI), and 48 percent of the state's renter households – some 74,000 families and individuals – qualify for assistance at this threshold. The fact that a household is income-eligible for assistance, however, is no assurance that it will receive assistance.

In fact, income-eligibility may not indicate a compelling need for assistance. Our gap analysis revealed that over 26,000 extremely low, and very low, income renter households lived in adequate and affordable housing, priced less than 30 percent of income.³⁷ Still, that leaves about 48,000 others with cost burdens, including nearly 31,000 with what HUD calls “worst case needs.”

³⁷ 2006-2010 CHAS estimates

These are extremely low and very low income renters with severe cost burdens (rent exceeding more than half their income). While HUD does not consider homeowners with the same income and housing characteristics to have “worst case needs,” there were more than 19,000 homeowners who earned less than 50 percent of AMI and had severe cost burdens. This section looks at who needs and is eligible for housing assistance by race/ethnicity and household type, who receives it and where they live. It also describes how Rhode Island is “growing” its housing safety net.

Household Types with the Greatest Unmet Needs

Fifteen percent of the severely cost burdened extremely low income (ELI) and very low income (VLI) renter households were elderly, 39 percent were small families, 6 percent were large families and 40 percent were other (non-elderly, non-family). By comparison, elderly households and small families each accounted for 31 percent of all ELI and VLI renter households while large families accounted for 5 percent and other households accounted for the remaining 34 percent; thus, the elderly are relatively underrepresented among the severely cost burdened renters while small families, large families and non-elderly individuals, or groups of individuals, are somewhat overrepresented.

The distribution of severely cost burdened owner households was 47 percent elderly, 25 percent small families, 8 percent large families and 20 percent other. This compares to an overall ELI/VLI owner distribution that is 59 percent elderly, 20 percent small family, 5 percent large family, and 16 percent other. Again, this means that the elderly are relatively underrepresented among severely cost burdened owners while small families, large families and non-elderly individuals, or groups of individuals, are overrepresented. As Rhode Island’s population ages, however, the need for assistance among the elderly will grow. While seniors are less likely to carry a heavy debt load than younger households do – particularly younger homeowners – increasing longevity means the resources they have accumulated during their working years will need to support them for an extended period during which time they are likely to require increasing levels of assistance with activities of daily living.

Another indication of impact of housing problems on families of color is evident in the detailed waitlists maintained by Rhode Island Housing and the local housing authorities that administer housing assistance programs. These lists provide information on the number and type of households in need of housing.

Extent of Housing Problems Varies by Race/Ethnicity

Housing problems, like high cost burdens and/or inadequate conditions, do not impact all racial and ethnic groups equally. Among the lowest income renters, Asians – though there are relatively few of them – experience a disproportionate share of housing problems. Black and Latino renters are more likely than Whites and Asians to have very low incomes, but they do not experience cost burdens or other housing problems at a significantly higher rate, in part because federal and state housing assistance programs provide a safety net for many of the lowest income tenants. Moving up the income ladder, the differences among the groups are even more pronounced.

Among homeowners, Blacks, Latinos and Asians are all more likely than Whites to have very low incomes and all experience “worst case needs” at a higher rate than Whites. Black and Latino owners experienced housing problems at two to three times the rate of their White counterparts. While all racial and ethnic groups experience proportionately fewer housing problems as they move up the economic ladder, people of color – both renters and homeowners – continue to report problems at a substantially higher rate than their White counterparts (**Table 4.5**).

Table 4.5: Distribution of Housing Problems by Race/Ethnicity

	Owners					Renters				
	Income Distribution by Race/Ethnicity					Income Distribution by Race/Ethnicity				
	ELI	VLI	LI	MI	> Median	ELI	VLI	LI	MI	> Median
Total	5.1%	7.7%	13.6%	9.4%	64.3%	28.1%	18.7%	19.6%	9.8%	23.9%
White*	5.1%	7.3%	12.8%	9.1%	65.8%	25.0%	18.3%	19.2%	10.1%	27.4%
Black*	3.0%	12.1%	17.7%	12.9%	54.2%	33.9%	22.9%	15.6%	11.5%	16.1%
Asian*	5.4%	9.9%	16.3%	12.1%	56.3%	23.4%	14.8%	16.0%	8.1%	37.7%
Hispanic	5.2%	12.2%	25.2%	12.1%	45.3%	37.7%	19.8%	22.9%	8.5%	11.2%
	Percent w Housing Problems^					Percent w Housing Problems^				
	ELI	VLI	LI	MI	> Median	ELI	VLI	LI	MI	> Median
Total	78.9%	46.1%	33.0%	14.7%	3.4%	60.4%	38.0%	8.8%	5.1%	3.9%
White*	78.1%	72.9%	27.8%	12.9%	3.1%	58.3%	39.8%	8.4%	2.9%	2.7%
Black*	93.1%	97.8%	76.4%	34.9%	9.7%	60.1%	38.2%	7.8%	10.2%	5.9%
Asian*	93.0%	94.1%	48.9%	9.1%	5.1%	82.9%	59.7%	18.8%	4.1%	7.0%
Hispanic	96.2%	98.2%	63.6%	32.4%	8.6%	62.3%	35.5%	9.6%	13.1%	14.0%
	Ratio of Racial/Ethnic Group's Share of Owners with Problems to White Owners					Ratio of Racial/Ethnic Group's Share of Renters with Problems to White Renters				
	ELI	VLI	LI	MI	> Median	ELI	VLI	LI	MI	> Median
White*	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Black*	1.19	1.34	2.75	2.69	3.16	1.03	0.96	0.92	3.54	2.17
Asian*	1.19	1.29	1.76	0.70	1.67	1.42	1.50	2.22	1.43	2.58
Hispanic	1.23	1.35	2.29	2.50	2.83	1.07	0.89	1.14	4.52	5.11

^ Not Hispanic

* Excludes those where cost burden was not calculated but there were no other problems (<0.5% of all)

Source: CHAS Table 1, based on 2006-2010 5-Year American Community Survey

Housing Cost Burden

Among all state households, 21 percent of state are moderately cost-burdened (paying between 30% and 49% of gross monthly income on housing costs), and 18 percent are severely cost-burdened (paying 50% or more of income on housing costs, includes no/negative income households). This burden varies greatly depending on race and ethnicity. Below is a summary, based on 2007-2011 CHAS data.

- Thirty nine percent (39%) of all households in Rhode Island are cost burdened by housing, paying more than 30% of monthly income on housing costs (including households with no or negative income). Of those cost burdened, 18% are severely cost burdened, paying more than 50% of income on housing costs (including households with no or negative income). These ratios vary depending on the race or ethnicity of the household.
- White households as a group have by far the lowest incidence of cost burden (36% cost burdened, 16% severe), and is the only racial group to not exceed the state average.
- Asian households as a group are the only group besides White that is not disproportionately affected by cost burden, with an overall incidence rate 43% cost burdened. However, another 4% of Asian households have no or negative income, which is a subgroup of households often counted as severely cost burdened by housing, which raises the Asian incidence rate of cost burden to 47%, which is nine percentage points higher than the state as a whole.
- Fifty four (54%) percent of all Black / African American households are cost burdened, with 30% severely cost burdened. In terms of overall cost burden, Black / African American

households are disproportionately affected compared to the state as a whole, by 15 percentage points, and are disproportionately affected by severe cost burdens compared to the state, by 12 percentage points.

- Fifty six (56%) percent of all American Indian / Native Alaskan households are cost burdened, with 30% severely cost burdened. In terms of overall cost burden, American Indian / Native Alaskan households are disproportionately affected compared to the state as a whole, by 17 percentage points, and are disproportionately affected by severe cost burdens compared to the state, by 12 percentage points.
- Fifty eight (58%) percent of all Hispanic households are cost burdened, with 32% severely cost burdened. In terms of overall cost burden, Hispanic households are disproportionately affected compared to the state as a whole, by 19 percentage points, and are disproportionately affected by severe cost burdens compared to the state, by 14 percentage points.
- Pacific Islander households measure only 15 in Rhode Island, and although none of these 15 are identified cost burdened, it is unlikely that this ratio is accurate based on the small sample size.

Geographic Distribution of Housing Need

There are low income households (those earning 80 percent of AMI or less) and households with cost burdens or unmet housing needs in every Rhode Island community. The share of low income households ranges from less than 20 percent in some of the state's small communities (Foster, Exeter, Richmond) to more than 54 percent in its poorest cities (Central Falls). In five cities – Providence, Central Falls, Pawtucket, Woonsocket, and Newport – more than 30 percent of households are low income. In fact, in all but two Rhode Island towns, more than ten percent of all households are extremely low or very low income. The incidence of worst case housing needs varies widely, but many suburban and rural communities where there is a shortage of quality affordable rental properties have high rates of “worst case needs” even though their numbers are modest compared to the urban areas.

Disparities also exist within housing market areas, often between neighboring communities, both in the number of low income households and the number experiencing cost burdens or other housing problems. Communities that offer little or no moderately priced multi-family rental housing, of course, will have few very low income renters living there. Communities with a sizable inventory of public or subsidized rental housing will have more low income renters, but relatively few of them should be experiencing problems of cost or condition. Even the most affluent communities have low income and cost burdened residents. Most often the low income cost burdened residents in these towns are older homeowners, with limited current income, or others who have experienced a financial setback after purchasing their home in the community. Rhode Island's six Entitlement Communities, home to about 59 percent of the state's renter households and 40 percent of homeowners, house a somewhat higher share of low income households (owners, 62 percent; renters, 46 percent), and the share of households with severe cost burdens is higher (owners, 64 percent; renters, 49 percent).

Public and Subsidized Housing

Rhode Island has a substantial inventory of nearly 37,000 subsidized housing units that provides a safety net for many of the state's lowest income residents. In addition, there are currently more than 9,000 federal rent vouchers (Housing Choice Vouchers, or HCVs) being used by families and individuals to secure affordable housing in the private market. The Center for Budget and Policy Priorities, which tracks federal housing assistance nationwide, consistently ranks the state near the top in the level of rental assistance provided.

Even with this robust safety net the need exceeds the supply, and it is increasingly difficult to “grow” the inventory in the absence of deep federal housing subsidies. Much of the safety net was built between 1950 and 1980 under deeply subsidized federal programs that are no longer available. New production must now compete for the limited resources that are still available (federal low income housing tax credits, mostly) with those same developments, now in need of capital infusions and upgrades to preserve them as viable low income housing. More detailed discussion of subsidized housing programs can be found in the State’s Consolidated Plan, prepared by Rhode Island Housing.

About 350-400 housing units are created or preserved each year with the assistance of federal and state subsidies and/or tax credits. Almost all of these are restricted to households earning less than 80 percent of the area median income, and most target families and individuals with much lower incomes. In recent years about 20 percent of the rental units receiving federal and state resources such as Tax Credits, HOME and Building Homes Rhode Island funds from Rhode Island Housing supported new construction (including the creation of new units through adaptive reuse of mills, industrial properties and the like). The balance represents units that were preserved or preserved and upgraded. Preserving the physical and financial viability of the existing inventory as affordable housing is essential, but it means the net gain is relatively modest.

Most low income rental projects, whether new production or preservation, require subsidies and financial resources from multiple sources. Rhode Island's annual allocation of Low Income Housing Tax Credits, about \$2.6 million, generates about \$20 million in equity to support the preservation or creation of about 125-150 affordable (LMIH) rental housing each year. HOME funds, the other major federal resource that can be used for housing production/preservation, brings about \$7.5 million annually to Rhode Island, with about 57 percent of the funding going to the state and 43 percent to the Entitlement Communities. Another 2 percent is invested in keeping the homes of low income Rhode Islanders safe, accessible and energy efficient through the use of Community Development Block Grant home repair and rehabilitation programs (affordable housing set-aside and Home Repair Programs).

In addition to these federal resources, the State has contributed about \$15-16 million annually for housing in recent years, most of it from bonding authority approved by the voters. Rhode Island Housing commits many times that through its tax exempt bonding authority. In 2014, for example, it provided \$137.5 million for 827 first time homebuyers and \$61 million to create and preserve 239 units of rental housing (188 new, 51 preserved). The agency is also the conduit for more than \$164 million in federal rent subsidies (project-based and tenant-based).

The Office of Housing and Community Development (OHCD), the Housing Resource Commission (HRC) and Rhode Island Housing (RIH) collaboratively allocate funding under the major federal and state subsidy and tax credit programs to accomplish multiple worthy goals (for example, revitalizing inner city neighborhoods badly hurt by the foreclosure crisis, expanding family rental housing in communities that have not offered such, linking affordable housing and services). These agencies and their affordable housing partners – including many community-based nonprofit housing developers – do a commendable job of getting the money out and the housing built or preserved. However, the numbers pale in comparison to the need and to the production levels achieved during the middle of the twentieth century when most of the state’s publicly assisted rental housing was created under deep federal subsidy or capital grant programs.

The Picture of Subsidized Households

HUD’s Picture of Subsidized Households (PSH) is an extensive national database that provides characteristics on the more than five million households and housing units receiving federal assistance in the U.S. The 2012 PSH provides a snapshot of more than 33,000 Rhode Island households who received

federal housing assistance that year. Included in the HUD count were residents living in some 9,000 public housing units; 16,000 privately-owned, federally subsidized units; and nearly 9,000 households who received rental assistance in the form of Section 8 certificates or housing vouchers.³⁸ The HUD development database was “scrubbed,” duplicate records and projects with missing or incomplete tenant information were removed; and the remaining developments were geocoded to the census tract, using detailed property addresses provided by Rhode Island Housing. This enabled us to generate a snapshot of HUD subsidized households not only by the residents’ characteristics, but also by the characteristics (race and income poverty) of the neighborhood in which they live. Resident, unit and neighborhood characteristics were available for nearly 25,000 households in more than 250 public and subsidized rental developments and for some 10,000 households who receive rental assistance in the form of housing vouchers.

Who is Eligible for Housing Assistance?

Black and Latino renters are more likely to be income eligible for housing assistance programs than are non-Hispanic Whites and Asians, but they are also disproportionately represented among those receiving housing assistance. 57 percent of Black renters and 58 percent of Latino renters were extremely low or very low income compared to 38 percent of Asian and 43 percent of White renters. Low income Asian renters were more likely to experience high cost burdens and/or other housing problems. **Table 4.6** compares the distribution by race and ethnicity of households eligible for housing assistance with the distribution of households assisted, by program.

Table 4.6: Distribution of Households Eligible for Housing Assistance and Households Assisted by Household Type, Race/Ethnicity and Program

Renters	White*	Black*	Asian*	Hispanic	All Other
All renter households	69.7%	7.7%	3.0%	16.2%	3.4%
<i>Distribution of Income Eligible Renter Households</i>					
ELI (<30%)	62.1%	9.2%	2.5%	21.8%	4.4%
ELI and VLI combined (<=50%)	64.6%	9.3%	2.4%	19.9%	3.8%
All Low Income (<=80%)	65.7%	8.3%	2.4%	19.6%	3.9%
Worst Case Needs (ELI and VLI w severe cost burdens, housing problems)	62.3%	9.1%	3.1%	21.1%	4.4%
<i>Distribution of Assisted Households</i>					
Elderly and/or disabled only public housing	75%	8%	1%	16%	1%
Family (unrestricted) public housing	23%	19%	2%	54%	2%
Elderly and/or disabled only privately owned subsidized housing	74%	10%	1%	13%	2%
Family (unrestricted) privately owned subsidized housing	44%	22%	2%	30%	2%
Total elderly and/or disabled subsidized housing	75%	9%	1%	14%	1%
Total family (unrestricted) subsidized housing	34%	21%	2%	40%	2%
Total subsidized housing	62%	13%	1%	22%	2%
Total Housing Choice Vouchers	47%	16%	2%	33%	2%
Total Assisted Households	58%	14%	1%	25%	2%

Columns may not total to 100% due to rounding

* Not Hispanic

Source: 2006-2010 American Community Survey-based CHAS tabulations and HUD’s 2012 Picture of Subsidized Households

³⁸ HUD reports that data were collected from 88 percent of its assisted households.

Who Receives Housing Assistance?

Rhode Island's publicly assisted housing serves a diverse group of extremely low income families and individuals. A comparison of the demographic characteristics of households receiving assistance to the income eligible population shows that the resources available for housing assistance have effectively targeted extremely low income and minority households. Overall and in most program categories, Black and Latino households are assisted at a higher rate than Whites and Asians, based on each group's share of extremely low and very low income renter households.

The extent of the racial and ethnic diversity varies by program. The residents of the elderly/disabled public housing are predominantly White (75%), as is the elderly poverty population. Family public housing and the privately-owned subsidized inventory serve a more diverse population. Sixty percent of those living in family public housing are households of color, as are 53 percent of those living in the privately-owned subsidized units. Family public housing includes a higher share of three or more bedroom units and serves a higher percentage of families with children, large families and single parent households than the privately owned housing does, but there are so many more units in the privately-owned inventory, it serves many more families.

Of the nearly 25,000 elderly households from whom information was collected in 2012, about 17,500 (70%) lived in developments specifically for elderly or elderly and disabled residents. HUD defines elderly as 62 years and older. The other 7,500 lived in family, or "unrestricted" developments. Many elderly residents continue to live in the family developments where they raised their children, and elders accounted for nearly 20 percent of the tenants in the unrestricted developments in 2012. Thirty-two percent of the units in unrestricted developments have just one bedroom, and another 38 percent are two-bedroom units.

In elderly housing developments, more than 77 percent of the units are occupied by non-Hispanic White residents and 23 percent are occupied by residents of color. In high poverty tracts – both RCAPs and majority White tracts – the distribution is 43 percent White and 57 percent residents of color. In family developments, 37 percent of households are White and 63 percent are households of color. In RCAPs the split is 15 percent White and 85 percent of color; in high poverty, majority White census tracts the split is 35/65.

Seventy-three percent of households living in assisted developments are extremely-low-income and 95 percent earn less than 50 percent AMI. For households assisted with Housing Choice Vouchers 78 percent are extremely low income and 97 percent earn less than 50 percent AMI.

When a housing unit has more bedrooms than residents, HUD flags it as indicative of "possible overhousing," and there were more than 800 units so identified in 2012. This might be a single person living in a 2 bedroom unit, or two people living in a 3 bedroom unit, and it often occurs when residents in assisted housing age in place. Of course, residents often have special needs or circumstances that necessitate having extra units (for example, presence of a caregiver), but with the high demand for large bedroom units, policy makers need to carefully monitor trends in vacancies, overcrowding and overhousing.

Location of Assisted Housing Developments

As described in Chapter 2, Rhode Island's populations of color are more likely to live in high poverty areas than are White residents, whether they live in assisted housing or not. While just 1.6 percent of Rhode Island's non-Hispanic White population lives in census tracts designated as RCAPs, 20.8 percent of the Black, and 21.8 percent of the Hispanic, population do. The comparable figures for Asians and American Indians are 7.7 and 11.4 percent respectively. Residents who rent their homes in public or

subsidized developments, however, are more likely to live in racially concentrated areas of poverty because more than 18 percent of that inventory – and 26 percent of the units that are not age restricted – is located in such areas.

The concentration of subsidized housing in low income census tracts and racially concentrated areas of poverty, which contributes to the perpetuation of residential segregation, is a pattern seen in other parts of the country. Indeed, the level of segregation and the concentration of poverty in assisted housing are worse in many regions.

Table 4.7: Share of Assisted Rental Units, by Type, in Concentrated Poverty Areas

	Elderly/disabled LMIH Rental Units	Family (unrestricted) LMIH Rental Units	Total LMIH Rental Units
Racially Concentrated High Poverty Census Tracts (RCAPs)	13%	26%	18%
Majority White High Poverty Census Tracts	11%	6%	9%
Total High Poverty (30%) Census Tracts	25%	32%	27%

This table includes federally funded developments only, not developments subsidized entirely with state resources. Source: HUD's 2012 Picture of Subsidized Households (subsidized housing); 2010 Decennial Census (population); 2006- 2010 American Community Survey (poverty)

Table 4.8: Distribution of Assisted Rental Units, by Bedroom Count, in High Poverty Areas

% of units in ...	Total	1 Bedroom	2 Bedroom	3 Bedroom
RCAPs	17%	15%	20%	35%
White high poverty areas	8%	8%	6%	7%
Total high poverty areas	25%	23%	26%	42%
Areas NOT high poverty	75%	77%	74%	58%
% of family (unrestricted) units in ...	Total	1 Bedroom	2 Bedroom	3 Bedroom
RCAPs	26%	23%	24%	36%
White high poverty areas	6%	3%	7%	7%
Total high poverty areas	32%	25%	30%	43%
Areas NOT high poverty	68%	75%	70%	57%

*This table includes federally funded developments only, not developments subsidized entirely with state resources. It does not include units that are restricted to occupancy by elderly residents or those with a disability. Source: HUD's 2012 Picture of Subsidized Households; duplications removed, geocoded to 2010 census tracts by B. Heudorfer

Table 4.9: Rental Housing and Publicly Assisted Housing as a Share of All Housing by Neighborhood Poverty Level

Neighborhood Poverty Status	Percent of all housing that is -		
	Rental	Public and Subsidized Rental Housing*	Family (unrestricted) Public & Subsidized Rental Housing*
Racially/Ethnically Concentrated Areas of Poverty	78.0%	24.8%	14.5%
All Concentrated Poverty Areas (>= 30%)	76.8%	23.7%	11.2%
All Other Areas (poverty < 30%)	36.0%	6.1%	2.0%
Low Poverty Areas (<10%)	27.6%	4.3%	0.9%
Neighborhood Poverty Status	Percent of rental housing that is -		
		Public and Subsidized Rental Housing*	Family (unrestricted) Public & Subsidized Rental Housing*
Racially/ethnically Concentrated Areas of Poverty		32.0%	18.7%
All Concentrated Poverty Areas (>= 30%)		31.3%	14.7%
All Other Areas (poverty < 30%)		17.8%	5.8%
Low Poverty Areas (<10%)		17.4%	3.6%

Source: Population, race, ethnicity, tenure – 2010 Decennial Census; poverty – 2010 5-Year American Community Survey; public and subsidized housing – Rhode Island Housing July 2013 inventory of Low and Moderate Income Housing Act housing units

Tenant Based Rental Assistance

HUD's Housing Choice Voucher (HCV) program is the federal government's major program for assisting very low-income families, the elderly, and those with disabilities to rent decent and affordable housing in the private market. The program was intended to de-concentrate poverty by providing tenants with greater housing choice, improved access to jobs, education, higher quality housing and other amenities. Voucher holders, the majority of whom are households of color, are free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects. One of the program's expressed goals is to help poor households break out of the cycle of poverty by locating in neighborhoods with numerous opportunities for gainful employment, good schools, and racial and ethnic integration.

The data collected by HUD for its 2012 Picture of Subsidized Households document that many voucher holders do, in fact, use their voucher to secure housing in areas that are not high-poverty. Still, disparities remain. **Figure 4.4** indicates who the vouchers currently help.

Challenges with Housing Vouchers

Despite the breadth of distribution, voucher utilization remains highly concentrated in high poverty areas, and this concentration is more pronounced among Black and Latino voucher holders than it is among Whites or Asians. Eighteen percent of voucher households rented a home in high poverty census tracts, including nearly 15 percent who rented in racially concentrated high poverty tracts. While just 9 percent of non-Hispanic White voucher households rent in high poverty areas (including 5 percent in RCAPs), 27 percent of Black and 31 percent of Hispanic voucher households do (with 23 and 27 percent, respectively, renting in RCAPs).³⁹

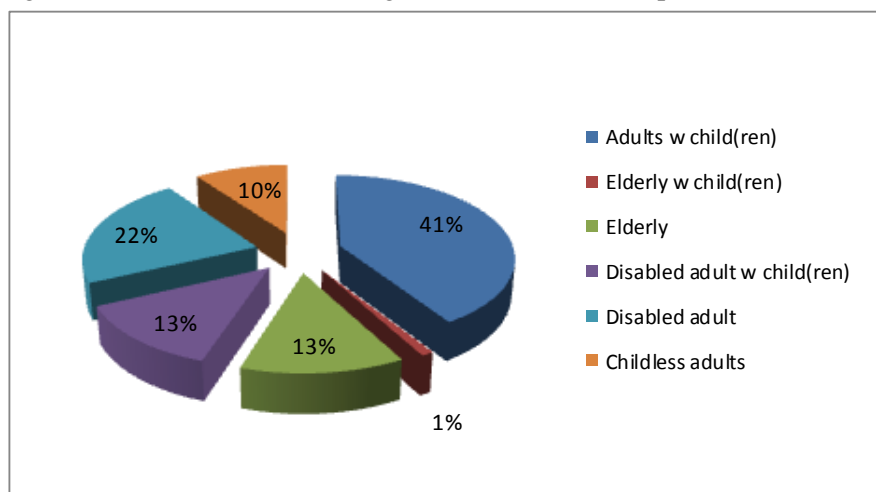
³⁹ Asian and Native American voucher holders were not included in this analysis due to the small number of participants.

Mirroring the national trend, a higher share of those participating in the housing voucher program in Rhode Island have secured large (3 or more bedrooms) units than have those renting in public housing or the privately-owned subsidized inventory. More than 42 percent of Rhode Island voucher holders in 2012 rented homes with three or more units compared to just over 9 percent of those renting in the assisted developments. This reflects the high share of elderly/disabled units in the assisted inventory, and the fact that even in the family (unrestricted) inventory, fewer than 30 percent of the units had three or more bedrooms.

More than 1,700 voucher households (19%) rented homes with more bedrooms than they had family members (what HUD calls “possible over-housing”). The point of the program is to enable voucher holders to choose the housing that best suits their personal or family needs, and clearly, many have determined that this includes a larger unit.

Voucher holders often face a number of challenges in securing housing. Many landlords, particularly owners of small properties or those in strong market areas, are unwilling to accept voucher holders as tenants. Landlords in blighted or depressed neighborhoods often view vouchers as a reliable source of income in an otherwise unstable market. In either case, this contributes to the concentration of poverty. Most housing authorities have long and growing waitlists, and many are closed. The search process itself is complicated with multiple points of entry and inconsistent policies from one administering agency to another. Applicants are often unfamiliar with housing opportunities outside their current neighborhood, and for many, transportation or access to employment, childcare or other services limits their range of options. Many voucher holders never succeed in becoming Section 8 recipients because they do not find and lease units under the program. Other commonly cited barriers to the use of Section 8 include a shortage of rental housing units that meet housing quality standards, a shortage of larger rental units, an insufficient number of units with rents within the payment standard⁴⁰, and discrimination based on source of income.

Figure 4.4: Who Do Housing Choice Vouchers Help?



Childless adults are households headed by a person under 62 with no disabilities and without child(ren) at home
Source: Center for Budget and Policy Priorities tabulation of 2010-2011 HUD administrative data

⁴⁰ Fair Market Rents (FMRs) are primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program (Mod Rehab), and to serve as a rent ceiling in the HOME rental assistance program.

Entitlement Community: The City of Providence

The State of Rhode Island currently mandates that rent-restricted affordable housing developments be taxed at a rate not to exceed 8% of the property's previous years' gross scheduled rental income. This legislation stems from legal opinions finding that deed-restricted properties should not be taxed at the same level as unrestricted market-rate housing because deed restricted property limits the ability to raise rents and therefore result in net property income that is lower than market rate rental properties.

The City's Office of the Tax Assessor offers two programs for low-income households in the City: the Indigent Program and the Tax Freeze Program. The former allows those judged by the assessor unable to pay taxes due to their impoverishment to have their tax burdens reduced (per RIGL 44-3-3(16)), while the latter limits the increase of taxes to 5.5% from year to year for households that makes \$25,000 or less gross annual income per year. While both programs are effective, there are no targeted tax policies for households making more than \$25,000 annual income. A more diverse set of property tax policies targeted at helping to ease financial constraints of all low-income households could improve access to housing for this segment of the population.

Participants at the community meetings identified the need for a down payment assistance program to alleviate the burden of new homeownership for many members of the low to moderate income community. In response, the City has recently created a new down payment and closing cost assistance program administered by the Housing Network of Rhode Island to assist Providence residents wishing to purchase a new home in the City.

Current Actions

HOME

In the administration of the HOME Program, Rhode Island Housing encourages an equitable distribution of affordable housing opportunities throughout the state through its application scoring system. Those communities with the lowest percentage of affordable homes receive the highest score in one category. Not only does this increase affordable housing opportunities in those areas with a limited stock of affordable homes, but also it addresses concentrations of affordable housing in inner city neighborhoods. As units are completed, owners are required to advertise the homes in statewide publications as well as minority and ethnic newspapers. All developments containing five or more units must develop an affirmative marketing plan to attract eligible persons from all ethnic, racial, and gender groups. In 2013, Rhode Island

Housing completed the development of one affordable home for sale and 73 affordable apartments through HOME. Of the 74 homes created through HOME funds, 75% were occupied by minority households and 15 were built to assure disabled resident access.

Housing Credits/Rental Production

The Housing Credit Program (HC) is administered by Rhode Island Housing and is closely coordinated with the allocation of HOME funds as well as other resources. Housing Credit funds are used in combination with other programs, whenever possible, to create new affordable homes in municipalities that have not achieved the state's 10% goal. These funds create more opportunities for affordable homes outside the urban core. Rhode Island Housing's Qualified Allocation Plan (QAP) for the HC program highlights the contribution to a municipality's low- and moderate-income housing goal as a specific criterion by which applications are measured. In 2013, Rhode Island Housing provided financing for the development and preservation of 733 affordable apartments through the Housing Credit Program. Of the 330 new affordable homes produced since 2010 (for which data is available), approximately 55% are occupied by minority households. However, minority households represent a much higher percent of the

occupancy of developments in urban areas than in more suburban communities. Of the 197 new affordable homes produced in urban areas (all Providence), 82% have been occupied by minority families. Of the 117 new homes developed outside of the urban area, only 9% have been occupied by minority families.

The Low and Moderate Income Homes (LMIH) Inventory

Rhode Island Housing (RIH) maintains the state's official Low and Moderate Income Homes (LMIH) List of units that count toward a municipality's 10 percent goal under RIGL 45-53, the Low and Moderate Income Homes Act. The inventory includes both rental and ownership housing and beds in group homes for populations with special needs. To be included on the LMIH Inventory, housing must be subsidized under a federal, state or municipal government subsidy; remain affordable through land lease or deed restriction for at least 30 years; and be affordable to households earning up to 80 percent of the area median income if rental or 120 percent if homeownership. Households subsidized with tenant based rental assistance are not included, nor are those who receive home mortgages from Rhode Island Housing.

Nearly 34,000 of the 37,000 low income units counted on the July 2013 inventory are rental (excluding the 2,000 group home beds); and 1,200 are homeowner units. Almost 26 percent of this inventory is public housing, owned and managed by one of Rhode Island's 25 local housing authorities. Fifty-three percent is housing specifically reserved for elderly or elderly or disabled households. Ten percent is reserved for households or individuals with special needs. The remaining 37 percent is unrestricted or family housing, although 32 percent of these units are studio or one bedroom apartments, and another 38 percent are two-bedroom units. Within the elderly/disabled developments, about 72 percent are occupied by seniors age 62 or over; the other 28 percent units are occupied by younger householders (under 62) with disabilities.

4.3: People with Disabilities

The Supreme Court decision in *Olmstead v. L.C.* requires that people with disabilities (including people with significant disabilities) have the opportunity to receive supportive services in the most integrated setting appropriate for their individual needs. Accessible housing is an essential component of this mandate.

Issues and Impediments to fair housing for people with disabilities in Rhode Island include:

- People with disabilities continue to face discrimination, stigmatization and limited housing options.
- Fair housing rights of people with disabilities and the obligations of housing providers are not widely understood.
- Rhode Island does not have an *Olmstead* plan, which is the vehicle by which most states document their plans for providing services to individuals with significant disabilities in the most integrated setting appropriate to the individual and the timeframe for doing so.

Background

The year 2014 marks the 15th anniversary of the U.S. Supreme Court's landmark decision in *Olmstead v. L.C.* that held that unjustified segregation of persons with disabilities constitutes discrimination in violation of title II of the Americans with Disabilities Act. States can demonstrate compliance by having a comprehensive, effective plan for placing qualified persons in most integrated settings, and 26 states have developed such plans. Rhode Island has not developed an *Olmstead* plan, although it has adopted an alternative strategy, *The State Plan for Independent Living 2008-2010*, developed in partnership with the Centers for Independent Living.

The *Olmstead* decision requires that people with disabilities, including those with significant disabilities, have the opportunity to receive supportive services in the most integrated setting appropriate for their individual needs, and affordable, accessible housing is an essential component of this mandate. (Employment opportunity is another critical component and Rhode Island recently entered into an agreement with the U.S. Department of Justice to settle an Americans with Disabilities Act – *Olmstead* investigation into employment and training services the State was providing residents with intellectual and developmental disabilities (**See Inset 4.1**).

The State does not currently have an *Olmstead* Plan, which is the vehicle by which most states document their plans for providing services to individuals with disabilities in the most integrated setting appropriate to the individual and the timeframe for doing so. The *Olmstead* Plan represents an opportunity to better address the fact that those with intellectual or developmental disabilities and those with mental illness have a particular problem finding housing.

Inset 4.1: Rhode Island - Department of Justice Announce Blueprint for Integrated Employment

On April 8, 2014, the United States and the State of Rhode Island entered into the nation's first statewide settlement agreement vindicating the civil rights of individuals with disabilities who are unnecessarily segregated in sheltered workshops and facility-based day programs. The settlement, which addresses the civil rights of about 3,250 Rhode Island residents with intellectual and developmental disabilities, is expected to serve as a road map to compliance for the 49 other states.

The settlement agreement with the State of Rhode Island resolves the Civil Rights Division's January 6, 2014 findings, as part of an ADA Olmstead investigation that the State's day activity service system over-relies on segregated settings, including sheltered workshops and facility-based day programs, to the exclusion of integrated alternatives, such as supported employment and integrated day services.

The consent decree resolves the Civil Rights Division's Jan. 6, 2014, findings that the State of Rhode Island violated the Americans with Disabilities Act (ADA) and the Supreme Court's decision in *Olmstead v. L.C.* by failing to serve individuals with intellectual and developmental disabilities (I/DD) in the most integrated day activity service setting appropriate for their needs, and by placing transition-age youth at serious risk of segregation. The consent decree focuses on three target populations: (1) individuals in sheltered workshops; (2) individuals in facility-based day programs; and (3) youth in transition from secondary school.

Rhode Island, like many states, has developed programs to support people with mental illness and other disabilities in integrated settings, and it funds housing assistance programs to meet the affordable housing needs of low-income individuals with mental illness or other disabilities, including those who are homeless or at-risk of homelessness.

Accessibility Issues

The inaccessibility of much of the state's housing inventory to people in need of accessible units is an impediment to fair housing. Building codes in Rhode Island set handicapped accessibility standards for construction of new housing for developments of four or more units. The overwhelming majority of construction in the state, however, falls below this threshold. The Fair Housing Amendments Act (FHAA) of 1988, which added people with disabilities and families with children as protected classes, requires that all new buildings with four or more units including public, private and non-profit housing are required to be accessible according to new design criteria.⁴¹ In addition, the Americans with Disabilities Act (ADA) of 1990 states that detached single family homes that are funded in any way by federal, state, or local funds may be required to be accessible under laws other than the Fair Housing Act.

The applicable standard for compliance is the Uniform Federal Accessibility Standard or UFAS. Homes built before the legislation are not required to conform to the Acts. Currently, Under Title III of the ADA, buildings built before the law became effective must be accessible to the extent that is "readily achievable," meaning that violations are easy to fix without much effort or expense, or it's not an "undue burden." State and local jurisdictions are also challenged in enforcing compliance of building codes in both the design and construction phases.

Reasonable Accommodations and Reasonable Modifications

A reasonable modification is a structural change made to a property, while a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service. A person with a disability may

⁴¹ The reasonable accommodation requirements of the Fair Housing Act also do not apply to owner-occupied buildings that have four or fewer dwelling units.

need either a reasonable accommodation or a reasonable modification, or both, in order to have an equal opportunity to use and enjoy a dwelling, including public and common spaces. In general, the housing provider is responsible for the costs associated with a reasonable accommodation, while the tenant is responsible for the costs of reasonable modification. There is an ongoing need to inform property owners and landlords of the obligation to provide reasonable accommodations to disabled tenants as needed, in both public and private assisted housing, and the private rental market.

Disabled tenants are often wrongfully prohibited from keeping a service animal, a topic mentioned by the Rhode Island Human Rights Commission, and also brought up in the focus group discussions. There have been an increasing number of reports from disabled residents who have had their requests for service animals to assist with activities of daily living denied, in violation of state and federal fair housing laws.

Visitability

Persons with disabilities, seniors and others with mobility impairments are often isolated due to architectural and structural barriers in housing. HUD strongly encourages participating jurisdictions to incorporate accessible design and construction features, in addition to those that are required, into all housing it develops with HOME funds, in order to provide "visitability." The movement for housing visitability aims to change construction practices so that all new homes, whether for the disabled or not, will be constructed in a way so that it will be easier for people with disabilities to visit. Basic visitable features include, at least one "no-step" entrance, a bathroom on the first floor, wide doorways, and a clear path of travel on the main floor. In Rhode Island, single-family homes currently do not fall under the accessibility requirements that apply to construction of four or more units.

Exceptions to the Definition of Disability Under the FHA

Neither Section 504 nor the Fair Housing Act permits exclusion of individuals based upon fear or stereotype about a particular disability or persons with disabilities in general. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (e.g., current conduct, a recent history of overt acts).

The definition of disability, however, specifically excludes individuals:

- Who are currently using illegal, controlled substances;
- Who have been convicted for illegal manufacture or distribution of a controlled substance;
- Whose tenancy would pose a direct threat to the health or safety of others, based upon current conduct or recent overt behavior; or
- Whose tenancy would result in substantial physical damage to the property of others.

Current Programs and Actions

In addition to the federal supportive housing programs funded by HUD to reduce homelessness and enable homeless and formerly homeless people with disabilities to live in community-based settings, Rhode Island has developed and funds several that promote a wider range of housing options and greater independence for disabled residents.⁴²

⁴² The HUD Supportive Housing Programs include Safe Havens, housing for hard-to-reach homeless persons with severe mental illnesses who are unable or unwilling to participate in supportive services; Transitional Housing with services for up to 24 months for homeless persons; and Permanent Supportive Housing, long-term community-based housing and supportive services for homeless persons with disabilities. The Shelter Plus Care Program links rental

Rhode Island Housing supports the development of housing for persons with disabilities, and provides financing for programs that promote a wider range of housing options and greater independence for disabled Rhode Islanders. All of the housing financed by Rhode Island Housing is designed and constructed in strict accordance with current requirements of the Fair Housing Regulations, Americans With Disabilities Act, and applicable building codes. When a development consists of over fifteen (15) units, a minimum of five percent (5%) of those units shall be handicapped accessible as defined by the Uniform Federal Accessibility Standards (UFAS) regardless of the use group exception contained in the Building Code. In addition, at least two percent (2%) of the total units shall be designed accessible to the visual and hearing impaired as defined by UFAS. In all cases, the units shall be designed in order that they can be adapted for use by non-handicapped individuals. In addition, Rhode Island Housing administers a number of programs specifically targeted to assist residents with special needs. Of the 248 new affordable units added to the state's low- to moderate-income housing stock in 2013, 58 are reserved for special needs populations. These homes are developed with permanent supports and services relevant to household needs, and these homes expanded the supply of special needs housing in six Rhode Island communities.

Access Independence

This program is administered by Rhode Island Housing and funded by the state's Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH). Rhode Island Housing provides grants and deferred payment loans to modify homes to accommodate eligible persons with developmental disabilities or persons who are technologically dependent. This can include improvements or modifications to a dwelling for home care and/or mobility needs. In 2012 and 2013 combined, the program approved over \$225,000 in funding to 19 households in 14 different communities.

Housing Opportunities for People with AIDS (HOPWA) funding provides housing assistance and related supportive services to persons living with HIV-AIDS. HOPWA funds may be used for a wide range of housing, social services, program planning, and development costs. Many beneficiaries receive supportive services that are funded by HOPWA or other related public and private programs. In fact, states and cities leverage approximately two dollars for every one dollar provided by the HOPWA program, according to HUD reports. In 2013, 48 households including persons living with HIV/AIDS were assisted through HOPWA funded programs administered by Rhode Island Housing, of which 61% were minorities, up two percentage points from 2012.

RoadHome

The RoadHome program is a Rhode Island Housing funded program established in 2007 designed to either integrate housing and supportive services for populations who are homeless, or to provide limited cash assistance for those at risk of homelessness. The intent of the Program is to reduce homelessness in Rhode Island. Homeless Rhode Islanders participating in RoadHome rental assistance pay 30% of their income toward their housing costs. The remainder of their rent and a stipend to support the services that must be provided to program participants is paid through the program. In 2013, 386 households accessed RoadHome service enriched rental assistance, of which 72% were minority households, down one percentage point from 2012.

There have been increases in the use of rental assistance vouchers in supportive housing arrangements in the community through programs like Rhode Island Housing's RoadHome, the State's Housing First Program, and a new homeless rental assistance program that was funded at \$750,000 in the FY14 budget.

assistance to supportive services for hard-to-serve homeless persons with disabilities such as serious mental illness, chronic drug or alcohol, AIDS and related diseases.

Continuum of Care

The Continuum of Care (CoC) is funded by the U.S. Department of Housing and Urban Development (HUD). Each year, Rhode Island Housing submits a competitive application for funding to support a wide array of homeless programs. These programs provide housing and services to Rhode Island's homeless population along a "continuum of care." In 2013, 23% of all new affordable housing produced was permanent supportive housing. These housing units provide crucial housing and resources to individuals and families that have been, or are at-risk of, homelessness. State-based non-profits such as Operation Stand Down Rhode Island, Crossroads Rhode Island, Westerly Area Rest Meals (WARM) Inc., the House of Hope CDC, Northern Rhode Island Community Services and the domestic violence protection resource nonprofit Sojourner House partnered with Rhode Island Housing to develop new permanent supportive housing in 2013. Another 811 households will be assisted with the renewal of the Continuum of Care's funding, of which 51% will be of minority status, up six percentage points from the previous year.

Shelter Plus Care

Also awarded through the state's Continuum of Care application, the Shelter Plus Care Program (S+C) is designed to link rental assistance to supportive services for hard-to-serve homeless persons with disabilities (primarily those who are seriously mentally ill; have chronic problems with alcohol, drugs, or both; or have acquired immunodeficiency syndrome (AIDS) and related diseases) and their families. The program provides grants to be used for rental assistance for permanent housing for homeless persons with disabilities. Rental assistance grants must be matched by supportive services that are equal in value to the amount of rental assistance and appropriate to the needs of the population to be served. In 2013, 238 homeless and disabled Rhode Islanders (23% minority) received rental assistance connected to supportive services through the Shelter + Care Program, which has been joined with the Continuum of Care grant administration.

Thresholds

The Thresholds program, funded by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) and administered by Rhode Island Housing, provides approximately \$1 million annually in capital funds for the development of affordable homes for people with mental disabilities. In 2009, Thresholds was expanded to include housing for persons with developmental disabilities. Funding is usually coupled with other capital and operating funds to ensure affordability for the residents. In 2013, 21 affordable homes for persons with physical or mental disabilities received financing through the Thresholds program.

Section 811 Supportive Housing for Persons with Disabilities program

Through the Section 811 Supportive Housing for Persons with Disabilities program, HUD provides funding to develop and subsidize rental housing with the availability of supportive services for very low- and extremely low-income adults with disabilities. The Section 811 program allows persons with disabilities to live as independently as possible in the community by subsidizing rental housing opportunities which provide access to appropriate supportive services. This program, and HUD's Supportive Housing for Elderly populations (Section 202) programs assist over 1,600 low income households with housing assistance payments (67% of whom are extremely low income), of whom 80% are elderly and 20% are disabled.

Preventing Exclusionary Zoning

Exclusionary zoning has often been used to prevent group homes, typically through restrictive definitions of the term family, but under the Rhode Island Zoning Enabling Act of 1991, community residences cannot be excluded from any zone that allows single-family residences, except where such uses might be

prohibited for public health or safety reasons.⁴³ Community residences, which operate under the aegis of one or more state agencies, currently exist in all but two Rhode Island municipalities, providing homes for more than 1,800 adults with mental illness, chronic or developmental disabilities. An additional 500+ group home beds are provided for clients of the Department of Children, Youth and Families.

Community Housing Opportunities

Significant progress has been made in better integrating those with disabilities into community housing opportunities. Rhode Island Housing, in partnership with EOHHS and BHDDH has applied for funding through the HUD Section 811 program which would support 150 project based rental assistance vouchers for the non-elderly disabled. Assisted units can represent no more than 25% of a development and residents would be provided with supportive services.

Money Follows the Person Program

The Department of Human Services is also administering a Money Follows the Person program which is designed to assist persons who have the ability to live more independently in moving from institutional settings such as a nursing home, into community based housing.

Opening Doors RI

Opening Doors RI, the State's new plan to end homelessness, also prioritizes moving the chronically homeless, many of whom face mental health challenges, into permanent supportive housing and thereby ending chronic homelessness in RI within 5 years.

Housing Bond

The 2010 Housing Bond required that at least 25% of the units financed be set aside for persons with special housing needs.

⁴³ Community residences were allowed under Rhode Island zoning law as early as 1980, under the state's previous zoning enabling statute.

4.4: Land Use Regulation and Infrastructure

Local land use and development regulations are important tools in affirmatively furthering fair housing and in ensuring that communities offer an appropriate mix of housing options in a manner that aligns with the State's land use goals. Sometimes however local regulations hinder the production of such a suitable mix. Well-crafted land use strategies and development regulations can overcome these challenges, expand housing opportunity, increase the supply of affordable housing and accommodate higher densities in appropriate locations while also advancing other important goals, such as open space protection, economic development, and urban core revitalization.

Impediments and issues to fair housing due to land use regulation and infrastructure include:

- Local regulations can hinder the production of an appropriate mix of housing options. In particular the preponderance of single family zoning and the lack of by-right multi-family options in some communities are often seen as reducing the availability of rental units and therefore disproportionately restricting access for lower income individuals.
- There is a need for more education and training about the obligations of and options for affirmatively furthering fair housing amongst local officials and developers.
- Lack of public transportation is an impediment to fair housing choice. The Rhode Island Public Transit Authority (RIPTA) bus routes are most heavily concentrated in inner city areas. Outlying areas not only have limited access to routes but existing routes are predominately directed to the inner cities.

Local Zoning

Municipal zoning laws and regulations determine the location, size, and type of housing in that community which can have an influence on access to fair housing choice, housing affordability and residential development patterns generally. Zoning is intended to regulate the use of property for the health, safety and general welfare of the public. Local approval processes, local zoning, and other restrictions can be a barrier to the development of affordable housing, particularly in non-urban communities, and lead to restrictions on housing choice for persons seeking to live elsewhere.

Local zoning and land use regulations can be discriminatory in effect even when they appear neutral. A policy or practice doesn't have to be intentionally discriminatory, or directly limit housing opportunity based on protected class, to have a discriminatory effect.

In Rhode Island, the significant lack of affordable housing in many suburban and rural areas led the state to mandate that municipalities maintain a minimum level of housing stock that is long-term affordable. The state enacted the Low and Moderate Income Housing Act (LMIH) in 1991, establishing the goal that all municipalities maintain a minimum level of such housing stock and to plan for, and implement, measures to achieve their goal. Since the adoption of the Act, subsidized housing has become more widely dispersed across the state, and communities that have not achieved the 10 percent threshold or are not otherwise exempt are required to prepare affordable housing plans as part of their mandated comprehensive plans. This LMIH law provides for a streamlined permitting process for the development of long term affordable homes in communities where less than 10 percent of the year round housing qualifies as such, unless the municipality is otherwise exempt. See more on the LMIH law starting on page 99.

While much is left to be done, the state has made a great deal of progress over the past 20 years. Since 1992, subsidized housing has become more widely dispersed across the state, and since 2003, communities that had not achieved their LMIH goal have produced more of these units than communities that have met their goal.

Multi-Family Zoning

The ability to develop multifamily housing without a variance differs throughout the state. Most municipalities that do allow by-right multifamily housing do so on a limited amount of their total land area. An overview of multifamily zoning in Rhode Island is described as follows⁴⁴:

- In total, 34 of 39 municipalities have some zoning for multifamily housing development by right, while special variances are required for any multi-family housing in the other five. Of the 34 municipalities with by right multi-family housing zones, 20 require a special use permit for multi-family development, meaning such development is required to meet a set of specified performance standards set out in the zoning. The remaining 14 municipalities allow multi-family development without a special use permit.
- All ten urban municipalities in Rhode Island have some by right zoning for multifamily. Of these, five require special use permits, and five do not.
- Of Rhode Island's 14 suburban municipalities, 13 have some zoning for multifamily (excluding only Barrington, which has an Elderly Housing District limiting multi-family housing to persons aged 62+). Of these, eight require special use permits, and five do not.
- Of Rhode Island's 15 rural municipalities, 11 have some zoning for multifamily. Of these, seven require special use permits, and four do not.

Inclusionary Zoning

Inclusionary Zoning ordinances that provide adequate municipal incentives to make the development of the required affordable homes financially feasible can be an important tool to support the development of some long-term affordable homes that are primarily owner-occupied. Indeed, many Rhode Island communities that have not yet achieved their 10% affordable housing goal include inclusionary zoning as one of the strategies to help them achieve that goal. Suburban and rural communities in particular have embraced inclusionary zoning as a key strategy in their affordable housing plans.

In 2014, the General Assembly passed legislation that made significant changes to state law governing inclusionary zoning ordinances. This legislation made two important changes to the inclusionary zoning provisions of Rhode Island's Zoning and Enabling Act (§ 45-24-46.1). First, zoning ordinances that require inclusionary zoning are now also required to include density bonuses or other incentives that shall offset differential costs of below market-rate units. Second, zoning ordinances may now provide that the affordable housing that is required under an inclusionary zoning clause can be provided on-site or that an alternative method of production can be utilized, such as off-site construction or rehabilitation, donation of land, and/or the payment of a fee in-lieu of the construction of the units. Most, if not all, of the approximately 18 Rhode Island communities with inclusionary zoning ordinances will have to make significant changes to their ordinances to come into conformance with the changes to the law, though

⁴⁴ Please note that the summary provided of multifamily zoning in the state is not meant to estimate the total area that allows for multifamily by-right development.

these changes will further allow the municipality to control their own low- to moderate-income housing development options.

Rhode Island Housing, in partnership with the Statewide Planning Program, is developing a template inclusionary zoning ordinance that meets the requirements of the new law and can help municipalities adapt their own ordinances to comply with the changes to the law.

High Construction and Land Costs

While development restrictions and land use regulations drive up the cost of construction, they are not the only factor that contributes to the challenge of expanding the supply of moderately priced housing in Rhode Island. Construction and land costs are comparatively high as well. Labor, materials and total construction costs are tracked using the R.S. Means Construction Cost Index (CCI). This Index facilitates cost comparisons from city to city, region to region, and time period to time period. Published annually, it presents the average construction cost indexes for 318 major U.S. and Canadian cities, including Providence. The CCI is also calculated for a 30 City average, considered the national average, based on 30 major U.S. cities.

Construction costs (exclusive of land and soft costs) are higher than the national average throughout Massachusetts, Connecticut and Rhode Island, with labor costs accounting for most of the difference. Providence is one of the least costly places in which to do business of any of the cities tracked by CCI in the three southern New England states, ranking #17 out of 19. The state enjoys a significant cost advantage over Boston however, which has among the highest construction costs in the nation. Boston's labor costs are 37 percent higher than in the 30-city national average, resulting in an overall cost premium of 16 percent over the national average. It is a similar story with land costs. Rhode Island is more expensive than many of southern, midwestern and western states, but it is considerably more affordable than eastern Massachusetts communities that are part of the greater Boston market.

Property Taxes

High municipal property taxes are also an impediment to housing development. According to the Tax Foundation, Rhode Island's property tax collections per capita were \$2,234 in 2013, the 6th highest nationally. Property taxes paid as a percentage of owner-occupied home value was measured to be 1.67% as of 2013, also by the Tax Foundation, which ranked 10th nationally. Rhode Island's income per capita in 2013 was \$46,990, 15th nationally. By comparison, Massachusetts is ranked 9th nationally in property tax collections per capita but 2nd in income per capita. Our neighboring state thus pays 8% less in property taxes per capita but earns 22% more in income per capita than Rhode Island. High property taxes increase the cost of homeownership and are passed on to tenants as higher rents.

Rhode Island's reliance on property taxes to pay for public education is also an impediment to housing development. According to a May 2014 Census Bureau release entitled "Public Education Finances: 2012", Rhode Island ranks amongst the highest states concerning the share of public education revenue that comes from local sources. The burden to fund municipal K-12 education on homeowners is higher in Rhode Island than all but one state, New Hampshire. An estimated 53.9% of revenue for primary-secondary education spending comes from property taxes; the US average is 38.4%. This heavy reliance on property taxes to pay for public education has led to a widespread perception that residential development, and the school-aged children that it brings, creates a net loss in revenue to municipalities that must bear a large share of the education costs. This has led to significant public resistance to develop family housing, market rate or subsidized.

This issue of property tax is complex and requires in-depth investigation. The State Guide Plan for Economic Development (2014) suggests the creation of a permanent commission on property taxation for this reason.

Urban Services Boundary: Fair Housing Issues and Opportunities

Land Use 2025, Rhode Island's plan for conservation and development in the 21st century and the centerpiece of its State Guide Plan, calls for the creation of an Urban Services Boundary (USB) to stem the movement of people and jobs away from the developed central core and to promote more sustainable development patterns that maintain the distinction between the state's urban and rural areas.⁴⁵ The USB is delineated on the State's Future Land Use Map, which is a graphic portrayal of State land use policy. The map serves as a policy guide for directing growth to those areas most capable of efficiently supporting development and away from areas that are not. It is intended to inform State and local capital investment decisions so that investments support growth in areas with more available infrastructure (including water, sewer, transportation, etc.).

By concentrating residential development within the urban services boundary and growth centers and capitalizing on existing facilities and services, *LandUse 2025* concluded that higher densities, improved accessibility and greater variety could be achieved. Higher densities, the plan asserted, would equate to increased quantity and affordability, while the services and facilities add to the quality of both the housing stock and the environment.

Land Use 2025 recognizes that growth must continue to occur outside of the Urban Services Boundary, and it provides for exceptions to be made for existing or planned growth centers outside the USB that are locally determined and designated. In the state's more rural communities, small growth centers could be the vehicle for directing growth away from farm and forest areas into historic or new growth centers that are appropriately scaled to the community setting. In areas where there is no existing village setting to speak of, the creation of new village centers would be encouraged. In either case, this would aid the ability to plan for and develop a wider variety of housing types. Needless to say, decisions to accommodate growth centers, at any scale, need to be made at the community level.

Even in areas where new growth is discouraged, opportunities – and the responsibility – to expand fair housing opportunities exist. These include expanding neighborhood choice in the HUD Section 8 Voucher program, enhanced education about and enforcement of fair housing laws, routine testing (of those who advertise, market, finance, sell, or rent homes) to ensure compliance with fair housing laws, support of minority real estate agents working in moderate and upper income areas. At the same time, improving conditions, most especially school effectiveness, in those urban neighborhoods where the majority of Rhode Islanders of color currently live, is essential.

Lack of Transportation

Lack of public transportation is a significant impediment to fair housing choice. Transportation access for employment is vital for all persons and the elderly or disabled are particularly dependent on transit systems for their independence. Whether or not a housing unit is located near transit can often be the deciding factor for persons living in assisted housing.

⁴⁵ *Land Use 2025: State Land Use Policies and Plan*, including the Future Land Use 2025 Map, was adopted as Element 121 of the State Guide Plan on April 6, 2006. The Future Land Use Map, while suitable for planning purposes, is not adequate for legal boundary or regulatory interpretation nor is it intended to be used as a basis for specific development proposals. The centers depicted on the Future Land Use Map were for illustrative purposes and are not intended to designate specific geographic boundaries.

The Rhode Island Public Transit Authority (RIPTA) bus routes are most heavily concentrated in inner city areas. Outlying areas not only have limited access to routes, but existing routes are predominantly directed into the inner cities. RIPTA is not the sole source of transportation throughout the State, but the composition of their routes demonstrates the tendency of public transportation to gravitate towards inner cities. While there are currently budget and resource constraints, the need for transportation will continue to increase as suburban and rural communities build more affordable housing.

RIPTA provides transit service to 36 of the state's 39 communities; though recent budget cuts have eliminated transit routes in certain areas of the state. As of 2014, there were 209 fixed route buses, 32 Park 'n' Ride lots and 57 routes statewide with a single fare (\$2.00 per ride). All are equipped for people with disabilities. Levels of service on RIPTA's fixed routes vary, depending on demand; some routes offer only weekday service while other routes operate evenings and weekends.

Even though employment is concentrated in the urban core, over half of all jobs in the state are located in suburban and rural communities. Whenever possible, housing should be built in proximity to jobs to ensure that the state is meeting the housing needs of its labor force.

Map 4.5: Frequency of Rhode Island Public Transportation (RIPTA) Routes, 2009 (2011 AI)



Source: Rhode Island Public Transit Authority

In 2009 Rhode Island Housing and RIPTA analyzed the state's subsidized housing inventory to ascertain the proximity of assisted housing to transit. At that time, more than 3,200 assisted housing units, or 9 percent of the LMIH inventory were located more than one quarter mile from a transit line. The elderly inventory was the least likely to be transit accessible by this standard, with 12 percent of the units deemed inaccessible, compared to seven percent of the family units and one percent of the special needs units. No units in the City of Providence were located more than a quarter mile from public transit.

Entitlement Community: The City of Providence

The Providence Zoning Ordinance lacks an official inclusionary zoning ordinance, which would designate a certain percentage or number of affordable units with each new residential development project; however, the City does have a Comprehensive Permit Policy which allows affordable housing developers to be granted zoning relief for certain affordable housing developments by the City Plan Commission. The process expedites the approval of proposed developments that the community supports.

Fire codes and historic preservation requirements in particular are often identified as contributing to significant cost increases, development delays and design challenges for affordable housing providers. The State has taken steps to reduce barriers to affordable housing development by revising its building code language regarding housing rehabilitation to allow developers to rehabilitate older buildings without having to meet all currently mandated fire and building safety codes. The State is currently in the process of adopting the International Rehabilitation Code.

Due to the limited availability of land in Providence for new residential development of any type, it is important for affordable housing providers to maintain their focus on rehabilitation and infill development. Several state-initiated land bank programs enable CDCs to acquire properties and hold them while financing is secured for their rehabilitation as safe, healthy, affordable homes.

The City has a dual tier property tax system. For owner-occupied residential property, the tax rate is currently \$19.25 per \$1,000 of value. For non-owner-occupied residential property, the tax rate is currently \$33.75 per \$1,000 of value, approximately 75% higher. For market rate rental housing, the property tax burden is merely passed on to the rental occupant(s) of the unit. This is seen by many as an additional burden on renters that contributes to an increased affordability concern for low- and moderate-income renters of market-rate housing units. In 2014, the City Council passed an ordinance to set the non-owner-occupied tax rate at 160% of the owner-occupied rate. As of June 2015, the City is in its budget process and it is unknown what the final tax rate will be for the FY2016 budget. Moreover, it is unknown whether a reduction in the tax rate for non-owner-occupied property will lead to a reduction of market-rate rental prices.

Current Actions

Low and Moderate Income Housing (LMIH) Act

“The Low and Moderate Income Housing Act” (RIGL 45-53) facilitates the development of low- and moderate-income housing. The Act provides for an expedited permitting process – the comprehensive permit – and a limited state override of local decisions for any housing development that provides at least 25 percent of its units as low- and moderate-income housing. It also required that affordable housing be addressed in the housing element of a municipality’s mandated comprehensive plan. To be counted towards the 10 percent affordability goal, rental units must be affordable for, and restricted to, households earning no more than 80 percent of the area median income while ownership units must be affordable for, and restricted to, households earning no more than 120 percent of AMI.

Rhode Island is not alone in this pro-active approach. Others that have adopted similar approaches include Massachusetts, Connecticut, New Jersey, California, and Montgomery County, Maryland.

Inset 4.2: The Rhode Island Low and Moderate Income Housing Act: A Brief History

Rhode Island General Law Chapter 45-53, the "Rhode Island Low and Moderate Income Housing Act" (LMIH Act) was enacted in 1991 to facilitate the development of low- and moderate income-housing. In passing the legislation, the General Assembly acknowledged the acute shortage of affordable, accessible, safe, and sanitary housing for low and moderate income families and individuals and the obligation of every city and town to provide opportunities for the establishment of low and moderate income housing. The act created a "comprehensive permitting" process for low- and moderate-income housing development in municipalities where such housing did not already constitute 10 percent of the housing stock. The comprehensive permit process allows an applicant proposing to build low or moderate income housing to submit a single application to the local review board in lieu of separate applications to the applicable local boards (Planning and Zoning, Board of Health, Conservation Commission, etc.). If less than 10 percent of the municipality's housing stock qualifies as low or moderate income, the denial of a comprehensive permit may be contested and brought before the State Housing Appeals Board.

The statute has been amended five times since 1999, and now requires each city and town, not already exempt by law, to prepare and seek state approval for a plan that incorporates LMIH goals as part of its Comprehensive Plan. This plan must include a housing element that details how the state-mandated LMIH housing goals will be attained. All zoning decisions must be in accordance with the plan. Among the amendments:

- 1999 - Alternative provided for municipalities to receive an exemption from the 10 percent threshold, and to be considered immune from developer appeals to the SHAB (at least 5,000 occupied year-round rental units comprising 25 percent or more of the year-round housing units; LMIH units must comprise 15 percent or more of the rental stock). *As a result of this amendment, six communities that are below the 10 percent threshold are exempt, including four entitlement communities: Cranston, East Providence, North Providence, Pawtucket, Warwick, and West Warwick. The percent of LMIH housing in these communities ranged from 5.4 percent to 9.8 percent (2013 LMIH Inventory).*
- 2002 - Amendment allowing for-profit developers to apply for a comprehensive permit for the development of LMIH owner-occupied units that would stay affordable as LMIH for a period of no less than 30 years. Prior to this, for-profits could only apply for a comprehensive permit to build rental units, although the development of long-term affordable homeownership units was always permitted for nonprofits. *Our review of homeownership projects approved under the comprehensive permit provisions of the LMIH Act suggests that about one-third of them were undertaken by nonprofit organizations and two-thirds by for profit developers.*
- 2004 – A series of amendments were enacted following a two-year moratorium on the issuance of comprehensive permits imposed by the legislature:
- The threshold for qualifying was increased from 20 percent LMIH units to 25 percent of the total development. *Our review of homeownership projects approved under the comprehensive permit provisions of the LMIH Act suggests that about one-quarter of them included fewer than 25 percent affordable units.*
 - Municipal government subsidies were added to federal or state subsidies as an eligible public subsidy.
 - The requirement that affordability must be maintained for at least 30 years was specified; previously, it had been defined by the federal or state subsidy program.
 - Municipalities were given the option of deciding which local review board (Planning Board or Zoning Board of Review); previously, only the Zoning Board of Review could. Recordkeeping on source of subsidy is sparse, but at least ten LMIH developments approved under comprehensive permits were identified as having a municipal subsidy.
 - Owner-occupied units targeted to "moderate" income buyers earning up to 120 percent of AMI became eligible for inclusion in the LMIH inventory. The definition for "affordable" rental remained at a maximum of 80 percent of AMI.
 - The requirement that all municipalities not meeting or not otherwise exempt from the 10 percent goal prepare an Affordable Housing Plan for the development of LMIH housing as part of the housing element of their comprehensive plan was added. The plan, which required state approval, was intended to detail specific strategies for meeting the LMIH goal and enable the municipality to guide the production of LMIH development based on household type, tenure, and location.
 - A municipality with a state-approved Affordable Housing Plan that was meeting local housing needs would be allowed to limit the total number of units proposed in comprehensive permit applications from for-profit developers to an aggregate of 1 percent of the total number of year-round housing units in that municipality. What constituted meeting the needs or demonstrating sufficient progress was not specified.
 - The Housing Resources Commission was required to report on the progress of the law's implementation, and Rhode Island Housing was required to report on the issuance of letters of eligibility for comprehensive permits and LMIH production.
- 2006 – Appeals from the State Housing Appeals Board (SHAB), which previously went directly to the state Supreme Court, were required to be heard first at the Superior Court.

- In 2004, changes were made to the state's Low and Moderate Income Housing Act which stimulated development of affordable housing in communities that had not yet met their 10% goal and required all such communities to develop an affordable housing plan showing how they would achieve that goal. All 29 communities below the 10% threshold have developed affordable housing plans. One, New Shoreham, has since achieved the 10% goal, and several others are close to reaching it.
- Since the first housing bond, there has been a significant increase in the proportion of affordable housing developed in communities that have not yet achieved the 10% affordable housing goal. From 1992-2002 only 39% of the affordable housing production in Rhode Island was occurring in those communities. From 2003-2012, 64% was.
- In 2009, Rhode Island Housing and the Office of Housing and Community Development adopted a statement of fair housing policy affirming that in order to receive assistance from the state or Rhode Island Housing or to qualify as Low and Moderate Income Housing and count toward a community's 10% affordable housing goal, all subsidized units must be available to the general public and must be marketed pursuant to an approved affirmative fair marketing plan.

Utilization of the Comprehensive Permit

Until 2002, the LMIH Act had little impact. Industry analysts report that no municipality in the state had developed or implemented a plan to meet the 10 percent goal and few had tried. Moreover, the 10 percent goal was not mentioned in most of the comprehensive plans filed with the state and few communities outside the urban areas had attempted to make sure that at least 10 percent of all new development was LMIH.⁴⁶

The State does not maintain a list of which affordable housing developments used the comprehensive permitting provisions of the LMIH Act to override local zoning, but as part of this initiative some 65 developments were identified that were approved under comprehensive permits. The affordable rental units created in these developments represent one third of the total gained outside the City of Providence over the 22 years since the statute was enacted and nearly 40 percent of those added in communities other than the five that were at 10 percent in 1991 and the five exempted in 1999 because of the size of their overall rental inventories, making it the most powerful non-financial resource in Rhode Island's affordable housing toolbox.

Despite its controversial history, the law is making an impact. The statute has played an important role in educating residents about the importance of affordable housing. The 2006 Building Homes Rhode Island bond bill to support LMIH, for example, was approved by all 39 municipalities. Subsidized housing has become more widely dispersed across the state since the LMIH Act became law, and since 2003, Rhode Island Housing reports that communities that had not achieved their LMIH goal have produced more affordable units than communities that have met their goal.

When the LMIH Act became law in 1991, only five communities exceeded the 10 percent threshold: Central Falls, East Providence, Newport, Providence, and Woonsocket. These five cities accounted for more than 53 percent of the state's total LMIH units in 1991; by 2013, they accounted for 50 percent as

⁴⁶ Overcoming Restrictive Zoning for Affordable Housing in Five States: Observations for Massachusetts, Rachel G. Bratt, Tufts University, 2012.

affordable production expanded into other areas.⁴⁷ Six towns had no LMIH units other than group homes in 1991; by 2013, every municipality had at least some qualified units besides their group homes (four still had no rental units). Even though only one additional municipality (New Shoreham) has achieved the 10 percent threshold since 1991, six others are now over 8 percent, up from one, and 13 are between 5 and 8 percent, up from 9 in 1991. Still, 37 percent of the state's total net gain of LMIH units over the past 22 years occurred in Providence, as that city grew its subsidized inventory by nearly 37 percent.

Streamlined Permitting Process

The enactment of the Low and Moderate Income Housing Act in 1991 provided a streamlined permitting process for the development of affordable homes in communities in which less than 10 percent of all housing units are reserved for low and moderate-income persons. Per the Rhode Island Low and Moderate Income Housing Act, if a permit is denied or approved with conditions that make a proposal infeasible, the decision may be appealed to the State Housing Appeals Board (SHAB). These cases are reviewed by SHAB, and remanded back to local boards for further review and approval if necessary.

⁴⁷ Central Falls and East Providence each lost units over the 22 year period from 1991-2013, and East Providence is now below 10 percent, the result of the loss of a large subsidized development whose owner opted out of the program when the use restrictions on the property expired. Newport was essentially unchanged (gaining only 27 units), but Providence grew its subsidized inventory by nearly 37 percent. Providence's gain represented 37 percent of the state's total net gain over the 22 year period.

4.5: Discrimination

As documented in the previous section, Rhode Island's racial and ethnic minorities are more likely to have lower incomes and experience higher rates of poverty than their non-Hispanic White counterparts. However, income differences alone do not explain the persistent pattern of residential segregation. Segregation can result from many factors, including the voluntary choices people make about where they want to live, involuntary limitations resulting from discrimination in the housing market or discriminatory public policies, or from a lack of information about the residential opportunities available to them. Regardless of the cause, residential segregation contributes to disparities in education, health, employment, and wealth.

Issues and impediments to fair housing due to discrimination include:

- Currently, there is a no independent fair housing center with adequate legal, communications, media capacity and community support in Rhode Island.
- Discrimination against individuals or families based on source of income is not prohibited under federal or Rhode Island fair housing laws. Low income residents seeking housing are often discouraged from viewing an apartment or a home, or turned down when they apply for housing.
- The persistence of hate crimes, housing discrimination, exclusionary zoning and other barriers to housing choice underscores the need for vigorous and comprehensive enforcement of fair housing laws as well as more effective fair housing education to address assumptions and fears about race, color, ethnicity, ability to speak English, disability, and the other characteristics protected by civil rights laws. Currently, there is no organization in Rhode Island with sufficient staffing and resource that focuses on fair housing outreach, education, testing, and advocacy.
- Individuals re-entering the community following incarceration face special challenges and limited housing options. Ex-offenders often have trouble finding housing, as many experience rejection from family and friends and are often barred from public and private housing.

The Legacy of the Past

Housing is a major determinant of quality of life. Historically, homeownership has been one of the most important means by which Americans have acquired economic assets and built wealth. Moreover, fair housing is essential to securing civil rights in other areas. Segregated residential patterns in metropolitan areas undermine efforts to assure equal opportunity in employment and equal educational opportunity. Despite the overriding importance of equal housing opportunity, and the fact that the nation's housing markets remain largely divided along racial lines, housing was the last of the major civil rights areas to be addressed by Congress. It was not until 1968 that fair housing legislation was incorporated into the nation's body of civil rights law as Title VIII of the Civil Rights Act of 1968.

Residential segregation by race and ethnicity is not accidental. It is the result of past discriminatory practices in which the private housing industry and Federal, State, and local governments have been active participants. Even though a substantial body of law – through Presidential Executive orders, congressional action, and constitutional case law – has now established fair housing as the law of the land, it remains one of the most intractable civil rights issues. The 2008 National Commission on Fair Housing and Equal Opportunity, chaired by former HUD Secretaries Henry Cisneros and Jack Kemp, concluded that discriminatory practices in the nation's housing and lending markets continued to perpetuate extreme levels of residential segregation:

“Although their [discriminatory practices] antecedents are found in our country’s deliberate history of establishing separate neighborhoods for Black and White Americans, these issues are not merely historical. Today, they continue to play an active and significant role in the real estate rental, sales, lending and insurance markets. Furthermore, continuing practices of discrimination and segregation affect not only African-Americans, but also Latinos, Arab-Americans, Asian-Americans, families with children, and people with disabilities.”⁴⁸

In Rhode Island, as in the rest of the country, a long history of public and private actions has contributed to the current pattern of segregated communities. Although the state was settled as a place of religious freedom, Rhode Islanders were heavily involved in the slave trade and, to a lesser degree, slave labor. Slavery was officially outlawed in the state in 1784, but it was many decades before the practice actually ended. Like many northern states, Rhode Island made it difficult for free Blacks to remain or settle there. In the early 19th century, Rhode Island towns would “warn out” strangers to purify themselves racially. While the custom had as a stated goal the removal of poor and undesirable strangers from a community, Blacks were disproportionately its targets, whether they were long-term residents or not.⁴⁹

Rhode Island established one of the first state antidiscrimination law enforcement agencies in the country in 1949 with the creation of the Rhode Island Commission for Human Rights. In establishing the Commission, the General Assembly declared that “[t]he practice or policy of discrimination against individuals ... is a matter of state concern”, and observed that “... discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the state, and undermines the foundations of a free democratic state.”⁵⁰

Despite federal and state legislation and a growing body of case law forbidding race-based discrimination, for much of the 20th century (the 1930s through the mid-1960s), federal housing policy promoted racial separation in its urban renewal, public housing, home mortgage, and insurance programs. Federal Housing Administration and Veterans Administration underwriting practices required racial homogeneity in the provision of insured home mortgages that opened up the suburbs almost exclusively to White homebuyers. Site selection and tenant assignment procedures by local housing authorities in Rhode Island and elsewhere perpetuated racial separation. Urban renewal efforts contributed to disinvestment and housing deterioration by isolating neighborhoods of color.⁵¹

Housing discrimination based on race/ethnicity and disability remains a concern in Rhode Island today. Despite the State’s commitment of resources and implementation of policies to breakdown such barriers, Rhode Island’s cities and towns remain highly segregated by race and ethnicity.

Drivers of Segregation

Household characteristics such as education, income, wealth, language, or immigration status certainly explain some degree of segregation. For example, income, language and immigrant status are likely

⁴⁸ *The Future of Fair Housing*, the report of the National Commission on Fair Housing and Equal Opportunity, December 2008.

⁴⁹ “Slavery in the North,” Douglas Harper, available at <http://slavenorth.com/index.html>

⁵⁰ R.I.G.L. § 28-5-2

⁵¹ There is a substantial body of literature that details the history of residential segregation in the United States and the roles played by the real estate and homebuilding industries; lending and insurance institutions; the federal, state and local governments; and others. A brief historical overview was published by the U.S. Commission on Civil Rights, the independent, bipartisan Agency established by Congress in 1957. “Understanding Fair Housing Clearinghouse Publication 42” (February 1973) and available at <http://www.law.umaryland.edu/marshall/usccr/documents/cr11042.pdf>

factors in the clustering of foreign-born Latinos and other immigrant groups. Housing affordability, as noted above, is often a driver of racial or ethnic segregation. These explanations, however, do not fully account for the persistent racial separation found in most U.S. metro areas.

The high levels of racial separation, as noted, are rooted in public and private discriminatory actions of the past, but they are maintained – and often exacerbated – by current conditions. These include: discrimination or differential treatment in the housing, mortgage and insurance markets; exclusionary zoning, land use, and school policies at the state and local levels; government policies affecting the location of, and access to, subsidized housing; limited affordable housing and a lack of housing diversity in many communities; and infrastructure investments.

Some of these practices – restrictive zoning and land use regulations, lack of infrastructure, or high land and development costs, for example – limit housing variety and affordability, creating barriers to affordable housing in general. A number of studies have concluded that low density only zoning that reduces the number of rental units, also limits the number of Black and Latino residents.

Other conditions, such as discrimination or differential treatment in the housing and mortgage markets and the location of, and access to, subsidized housing have had a much more direct effect on protected classes, in particular, people of color.

Emerging Issues

Source of income discrimination

Source of income (SOI) discrimination has long been identified as a barrier that limits where voucher holders can live, but it is not currently covered under federal or Rhode Island law. The Rhode Island Commission for Human Rights has noted an increase in recent years in discrimination allegations on the basis of source of income, but since this is not covered under federal or state law, the Commission is unable to assist these alleged victims of discrimination. Twelve states and the District of Columbia have enacted laws to ban discrimination based on source of income, as have more than thirty localities (counties, cities, towns). Three others are considering such laws, which make it illegal for landlords to discriminate against a tenant or prospective tenant solely on the basis of their having a voucher.⁵² RICHR has supported legislation to amend the state's Fair Housing Practices to add this protection for more than a decade, but the measure has failed to pass. Some landlords have expressed concern about the red tape involved with the voucher program and question the accuracy or appropriateness of HUD's fair market rents. As SOI issues are considered moving forward, education and outreach to landlords should be a priority. For example, the Rhode Island Coalition for the Homeless, the Rhode Island Association of REALTORS®, and other Zero: 2016⁵³ stakeholders are working to create a brochure on this issue.

Disability discrimination related to assistive animals and medical marijuana

RICHR has also noted an increase in recent years in disability discrimination related to assistive animals. The Commission reports that the increase in “denial of reasonable accommodation” allegations stems from requests by individuals with a disability seeking an exception to a housing provider's policies regarding pets (e.g., “No pets” policy, restriction on size of pets, restriction on number of pets). Where such matters could not be settled, a finding of probable cause was rendered in nearly every case, suggesting a genuine misunderstanding on the part of housing providers as to their obligations/responsibilities under state and federal fair housing laws. In order to educate the public,

⁵²State, Local, and Federal Laws Barring Source-of-Income Discrimination, Poverty and Race Research Action Council, May 2014 available at <http://www.prrac.org/pdf/AppendixB.pdf>

⁵³ Zero: 2016 is a joint effort of five states to end chronic and veteran homelessness by 2016.

Commission staff members have stepped up their education and outreach on this aspect of the law, and should ensure there are clear guidelines for landlords.

Another emerging issue that has been causing confusion in Rhode Island is medical marijuana and who is entitled to use it. R.I.G.L. § 21-28.6-4 uses a standard that is different from the federal or state definition of a disability. RIAR, for example, has received calls from property managers, rental agents, and landlords requesting clarification of their state responsibilities, since federal law prohibits the use of controlled substances.

Barriers to filing discrimination complaints

Although the barriers to access to enforcement resources are not tracked or quantified, anecdotal reports suggest that a number of factors impede the ability of victims of discrimination to file complaints and pursue them through the administrative and judicial process. Rhode Island Legal Services assists in the filing of fair housing complaints, and often refers complainants to private attorneys who accept cases for a limited fee, on a contingency basis, or on a *pro bono* basis. However, these resources are limited, and the demand for legal help outstrips the availability of attorneys. While Community Development Block Grant funds may be used for fair housing enforcement, it does not appear that the Office of Housing and Community Development often allocates resources for this purpose. (The general use of CDBG for public services activities may not exceed 15 percent of the total grant, limiting the availability of funds.) The City of Pawtucket has provided CDBG public service funding for each of the last 17 years to Blackstone Valley Community Action Program, Inc. to staff a part-time fair housing position to conduct informational seminars to community groups and receive fair housing complaints.

Barriers to housing for ex-offenders

Another growing area of concern is the challenges faced by ex-offenders as they return to the community after completing their sentences. In 2013, Rhode Island enacted a 'Ban the box' law prohibiting prospective employers from including questions regarding arrests, charges or criminal convictions on job applications and established a 'recovery, re-entry certificate' program for parolees to facilitate the re-integration into society. The obstacles to securing housing for individuals reentering the community following their release from incarceration are significant, and there have been increased calls for expanding protections to housing. This topic is also understandably a difficult one for landlords. Some landlords are inclined to reject potential tenants with felony convictions – particularly those who have committed acts of violence – because they fear losing other tenants or that they could be held civilly liable for renting to a convicted felon who reoffends and places other tenants at risk. Public Housing Authorities often have similar concerns. Also, registered sex offenders, for example, are legally prohibited from living in housing that is located near schools. Barriers to housing for ex-offenders must be tackled head on and cannot be ignored, but not without mindful consideration of these, and other, very real legal and social concerns.

Internet marketing of homes for sale or rent

An area of growing concern is housing discrimination in internet advertisements and other non-traditional electronic media (e.g. “No Section 8” or “Professional couple...”). In 2013, RICHR initiated charges against a property owner based on sexual orientation discrimination and discriminatory advertising after an ad appeared on Craigslist that included the phrase “no gay people!!!!!!” The owner agreed to a monetary settlement.

Not only has discrimination been documented in the *placement* of internet advertisements, differential treatment is increasingly being reported by those *responding* to internet advertisements. An extensive 2010 study undertaken by researchers at the State University of New York at Albany detailed the treatment of more than 700 respondents to Craigslist advertisements and on-line solicitations for

apartments in the Boston metro area. A similar audit was conducted in the Dallas, Texas metro area. Both showed significant differences in treatment between testers with White sounding names, and those with Latino or Black sounding names.⁵⁴ Even though the absolute response rates for all testers were quite high, the authors concluded that race and ethnicity continue to shape access to rental housing via the internet. The Boston testers with Black- and Hispanic sounding names were significantly less likely than those with White sounding names to receive more than one response from housing providers. They were also significantly less likely to be invited to inspect the unit(s). In addition, the Black testers were significantly less likely than White testers to be told to contact the provider.

This study supports earlier findings (Massey et al.) that racial and ethnic discrimination is a “moving target.” Given the growing use of electronic resources in the housing market and the discrimination documented in this study, combating discrimination in electronic media should be a high priority for fair housing advocates, researchers, and policy makers.

Housing discrimination against Lesbian, Gay, Bisexual and Transgender (LGBT) Individuals and their families

The federal Fair Housing Act prohibits housing discrimination based on race, color, national origin, religion, sex, disability, and familial status (i.e., presence of children in the household). The Fair Housing Act does not specifically include sexual orientation and gender identity as prohibited bases. However, a lesbian, gay, bisexual, or transgender (LGBT) person's experience with sexual orientation or gender identity housing discrimination may still be covered by the Fair Housing Act. In addition, housing providers that receive HUD funding, have loans insured by the Federal Housing Administration (FHA), as well as lenders insured by FHA, may be subject to HUD program regulations intended to ensure equal access of LGBT persons.

In May, 2001, Rhode Island prohibited discrimination on the basis of gender identity or expression, thereby protecting transgender people from discrimination in employment, housing, credit, and public accommodations. The law (Chapter 34-37, Rhode Island Fair Housing Practices Act) defines gender identity or expression as including a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, whether or not that gender identity is different from that traditionally associated with the person's sex at birth.

Insufficient Fair Housing Education and Enforcement

The lack of an independent fair housing center with adequate legal, communications, media capacity and community support may be an impediment to fair housing in Rhode Island. Participants in Rhode Island Housing's fair housing focus groups have noted that access to fair housing information has improved in recent years, however lack of information is still overall one of the most common barriers to fair housing cited in the public focus groups and community workshops. Organizations in the community have indicated that when fair housing outreach and presentations are made available, there is an increase in fair housing complaints.

The lack of an independent fair housing center with adequate legal, communications, media capacity and community support was cited as a potential impediment to fair housing in Rhode Island. The State's current AI notes that the Rhode Island Legal Services Fair Housing Center provides information and assistance to the public, including tenants, buyers, sellers and agencies, about the laws and compliance governing fair housing, and works in close association with the Rhode Island Commission for Human

⁵⁴ Cybersegregation in Boston and Dallas: Is Neil a More Desirable Tenant than Tyrone or Jorge?

Samantha Friedman, University at Albany, SUNY; Gregory D. Squires, George Washington University; and Chris Galvan, University at Albany, SUNY, April 2010.

Rights and other agencies to promote fair housing. It suggested, however, that a state Center of Fair Housing – unlike RICHR – would be more effective because its sole focus would be complaints dealing with housing.

Limited Awareness of Options

Waiting lists for housing assistance are maintained locally, limiting the ability of those living in one community from seeking housing opportunities elsewhere in the state. Local preference policies can also be an impediment to fair housing.

Prejudice and Bias

While not directly related to housing complaints, hate crimes – violent acts against people, property, or organizations motivated by a bias related to victim’s race, ethnicity, religion, gender, sexual orientation, national origin, or physical or mental disability – are another barometer of discrimination. The persistence of hate crimes underscores need to address assumptions and fears about race, ethnicity, disability, and the other characteristics protected by civil rights laws. Left unaddressed, unfounded assumptions and fears about members of protected classes are an impediment to housing choice. Between 2008 and 2012, a total of 127 hate crimes were reported by law enforcement from across the state, averaging about 25 per year. More than one-third of the reported incidents appear motivated by bias against the victim’s sexual orientation. Anti-Black bias was the next most common bias-motivated crime, followed by anti-Hispanic and anti-Jewish.

Language Barriers and Cultural Differences

Immigration has been a major factor in the increase in racial and ethnic diversity, and language barriers may limit the reach of fair housing education efforts to the state’s large immigrant population. Foreign born households, especially recent arrivals, are more likely than native born households to face economic challenges in addition to linguistic ones.

Rhode Island’s population is becoming more diverse, a trend that is expected to continue over the coming decades. By 2030, the Division of Planning projects that people of color will constitute one third of the state’s population, and many will be immigrants or the children of immigrants. Despite Rhode Island’s long history as a welcoming place for immigrants, its populations of color continue to experience discrimination; during the last decade race-based issues were the most common complaint to the Rhode Island Commission for Human Rights.

Non-English speakers may have difficulty in accessing and comprehending important information about their legal rights or about housing opportunities, including housing assistance programs. Some 23,000 Rhode Island households are linguistically isolated, and 86 percent of these households live in the six entitlement communities. (A linguistically isolated household is defined as a one in which no person 14 years old and over speaks only English, and no person 14 years old and over who speaks a language other than English speaks English "very well").

The 2012 American Community Survey estimates that 59 percent of the immigrants who have arrived since 2000 speak English less than “very well.” Native-Spanish speakers represent the largest number of linguistically isolated residents (nearly 55%),

Current Actions

FairHousingRI.org

Fair Housing Rhode Island is a statewide coordinated campaign administered by Rhode Island Housing and its community partners. The Campaign’s goal is to raise awareness about state and federal fair housing rights and responsibilities and to provide a central fair housing resource center.

A website was created in 2007 to assist in providing outreach and information and training to renters and homebuyers, developers, organizations, and cities and towns. The website provides a link to a Fair Housing Technical Assistance Guide, providing extensive information of Fair Housing Laws and Affirmative Fair Housing responsibilities in Rhode Island, and acting as a toolkit for the housing community. The guide was funded and approved by HUD's Office of Fair Housing.

Affirmative Action Awards and Reporting

Since 1989, Rhode Island Housing has provided an Affirmative Action Award to housing developers that show a commitment to diversity by hiring women and minority contractors and subcontractors on construction projects that receive state financing.

Increasing Minority Business Enterprise Participation

Rhode Island Housing promotes the use of minority and women-owned businesses in all of the developments we finance. Requests for Proposals encourage applications from these businesses, and all recipients of development financing have a goal of achieving at least 10% participation by minority- or women-owned businesses or minority workers in the development work.

Chapter 5: Fair Housing Enforcement and Infrastructure

Vigorous and comprehensive enforcement of fair housing laws is essential to furthering fair housing, and there are a number of organizations in Rhode Island that play a role in the state's fair housing enforcement infrastructure. Foremost among these are the Rhode Island Commission for Human Rights and the U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity.⁵⁵ These are the agencies to which residents who believe they have experienced discrimination in violation of federal or state laws may register their complaints. Other entities with fair housing interests, obligations and responsibilities include jurisdictions that receive and allocate funding from the federal government for housing and community development programs (the Office of Housing and Community Development (OHCD), the Entitlement Communities, other municipalities who receive federal funds through OHCD, and the state's 26 public housing agencies, including Rhode Island Housing). Disability and civil rights groups, housing providers and real estate professionals, the legal community, and many others have important roles as well.

This section looks at who is doing what to affirmatively further fair housing and expand access to opportunity for protected classes. It includes a description of the administrative structure of fair housing enforcement in Rhode Island and summarizes the discrimination complaints filed over the past five years and their outcomes. It also discusses other indicators of prejudice and discrimination, such as hate crimes and fair housing audits. For a full description of the federal and state laws and regulations relating to fair housing, the protected classes, and prohibited behaviors, see **Appendix 1.1, A Fair Housing Primer**.

Jurisdiction

Primary responsibility for the administrative enforcement of housing discrimination laws in Rhode Island is shared by the Office of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development (FHEO) and the Rhode Island Commission for Human Rights (RICHR). Their jurisdiction depends on the authority delegated by the underlying laws, the classes of people protected by each law, and the type of the housing involved in a complaint of discrimination, and may overlap.

RICHR, established by the General Assembly in 1949, is one of the oldest state antidiscrimination law enforcement agencies in the country. In addition to enforcing the state's Fair Housing Practices Act (FHPA), the Commission enforces Rhode Island antidiscrimination laws in the areas of employment, public accommodations, credit and delivery of services. RICHR is a HUD-designated Fair Housing Assistance Program (FHAP) agency; as such, it receives funding from, and shares federal Title VIII enforcement activities with HUD. When charges are filed alleging a violation of both state and federal law ("co-filed" charges), RICHR typically processes the complaint.⁵⁶ In addition, Commission Legal

⁵⁵ Rhode Island is served by the Boston FHEO office.

⁵⁶ The Fair Housing Assistance Program (FHAP) was established by the Fair Housing Act (Title VIII of the 1968 Civil Rights Act). The program provides that HUD may enter into agreements with state and local governmental units that HUD determines enforce laws with rights and remedies that are "substantially equivalent" to the Fair Housing Act. Such agencies enforce their own state or local laws, but are also referred cases from HUD for investigation/disposition and receive funding from HUD. If HUD receives a case that arises within the jurisdiction of a FHAP participant, HUD refers the complaint to the FHAP agency and generally takes no further action on the case.

Counsel presents, or assists in presenting, cases of fair housing discrimination at trial/hearing in those cases in which probable cause has been found. Where probable cause is found, the Commission's Executive Director or a designee will attempt to conciliate the matter. If conciliation is not achieved, the Commission issues a formal complaint and notice of hearing. Under the state FHPA, once a complaint and notice of hearing is issued, the parties have the right to elect that the matter be heard and decided in state Superior Court.⁵⁷

FHEO is responsible for enforcement of laws that forbid discrimination in housing receiving HUD assistance such as Title VI of the 1964 Civil Rights Act and Section 504 of the 1973 Rehabilitation Act. FHEO also enforces Title II of the Americans with Disabilities Act when it relates to state and local public housing, housing assistance and housing referrals.⁵⁸

Residents of Providence have the additional option of bringing complaints to the Providence Human Relations Commission, and the Governor's Commission on Disabilities has the power to investigate complaints of violations related to the Americans with Disabilities Act (ADA), including the physical inaccessibility of buildings and structures, but neither of these is a Fair Housing Assistance Program and neither is certified as substantially equivalent to investigate and adjudicate complaints. They would simply forward the complaints to RICHR or HUD.

Prevalence and Nature of Discrimination

The number and types of reported incidents of discrimination are an indication not only of the level of intolerance in a community, but also of the level of awareness of what constitutes a violation of law and the level of comfort those victimized have to seek redress for violations. About 50 housing discrimination complaints are filed with the Rhode Island Commission for Human Rights and/or HUD each year. The caseload summaries of both agencies were reviewed in the preparation of this analysis.

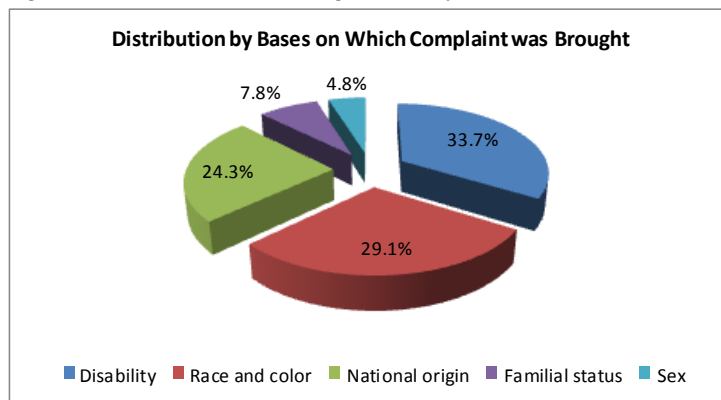
Between July 2008 and December 2012, a total of 257 complaints were filed with HUD and/or RICHR, involving allegations of 341 acts of discrimination (and citing 8 bases for the alleged discriminatory acts, including retaliation). The characteristics of these complaints are presented in **Figure 5.1** (basis of discrimination alleged) and **Figure 5.2** (alleged acts of discrimination). Complaints were filed in 29 cities and towns. The Entitlement Communities represented 62 percent of the caseload, with the City of Providence accounting for one-third of all complaints in the state during this period.

The basis on which most cases were brought was discrimination based on disability (33.7%), followed by claims of race discrimination (29.1%), national origin (24.3%), and familial status (typically discrimination against families with children, 7.8%).

⁵⁷ If an election is made, the Commission attorney will file suit in Superior Court or will intervene in a suit on behalf of the Commission. If no such election is made, the matter stays before the Commission for an administrative hearing on the merits. In that case, the Commission attorney presents the case or assists in presenting the case before the Commission.

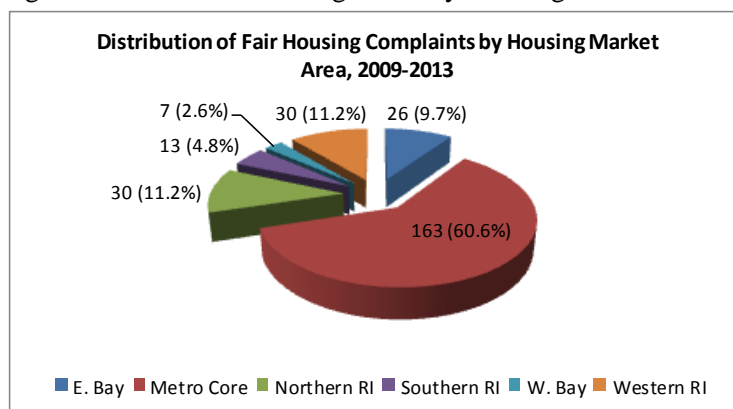
⁵⁸ Jurisdictional differences may also be triggered by the size or other characteristics of the housing structure. For example, under the Fair Housing Act, dwellings in owner-occupied buildings with four or fewer units are exempt from many of the Title VIII prohibitions against refusing to rent or sell. These exemptions do not apply to units rented or sold with the assistance of a broker or real estate agent. There is no such exemption under Rhode Island law, however, it is legal under state law to discriminate on the basis of sexual orientation or gender identity/expression when the structure is owner-occupied and has 3 units or less, one of which is occupied by the owner.

Figure 5.1: Fair Housing Cases by Basis



Source: U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Boston

Figure 5.2: Fair Housing Cases by Housing Market Area



Source: U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Boston

What Housing is Covered by Fair Housing Laws in Rhode Island and What Isn't?

Most private and publicly funded housing in Rhode Island is covered under either the federal Fair Housing Act or the Rhode Island Fair Housing Practices, or both, but there are some exceptions and some differences, which may lead to confusion.

A single family house sold or rented by the owner is exempt under the federal law, provided the owner does not own more than three such single family houses at one time and provided also that the sale or rental is not advertised in a discriminatory manner and is done without the services of a real estate agent, broker or sales person. *There is no such exemption under state law.*

Also exempt under federal law are dwelling units or rooms in a building of four or fewer units, provided the owner of the building occupies one of the units as his residence. *There is no such exemption under state law; however, it is legal under state law to discriminate refuse to rent on the basis of sexual orientation or gender identity/expression when the structure is owner-occupied and has 3 units or less, one of which is occupied by the owner.*

Both federal and state laws exempt dwellings owned or operated by a religious organization, or by a nonprofit organization owned or controlled by a religious organization which limits or gives preference in the sale, rental or occupancy to persons of the same religion, provided membership in the religion is not restricted on the basis of race, color or national origin. *The Rhode Island state law further stipulates that, to qualify for this exemption, religious organizations cannot restrict membership on the basis of sex, sexual orientation, disability and gender identity/expression.*

Lodging owned or operated by a private club as an incident to its primary purpose and not operated for a commercial purpose. Club members may be given preference, or occupancy may be limited to members, provided club membership is open to all without regard to race, color, religion, etc. *The Rhode Island statute exempts both private clubs and religious organizations in a single exemption (§ 34-37-4.2).*

Housing for older persons is exempt from the prohibition against familial status discrimination under the federal act if any of the following are true: HUD has determined that it is specifically designed for and occupied by elderly persons under a federal, state or local government program; it is intended for and occupied solely by persons who are 62 or older; it houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older. *Under state law, for the 55 or older exception, the housing accommodation must have significant facilities/services designed to meet the needs of older persons in order to qualify for the state exemption.*

This information is a summary of state and federal fair housing laws. The full text of the federal Fair Housing Act, 42 U.S.C. Section 3601-56 is found at <http://www.justice.gov/crt/about/hce/title8.php>. The full text of the Rhode Island Fair Housing Practices Act, Title 34, Chapter 37 of the General Laws of RI is found at <http://webserver.rilin.state.ri.us/Statutes/title34/34-37/index.htm>.

Table 5.1 shows the distribution of filings by year, basis and agency with which the case was filed. The Rhode Island Commission for Human Rights typically handles over 90 percent of all housing discrimination cases.

Table 5.1: Summary of Rhode Island Discrimination Cases Filed

Summary of Rhode Island Discrimination Cases Filed Cases																		
Bases	Filed Cases																	
	FY2009			FY2010			FY2011			FY2012			FY2013			FY2014*		
	HUD	RI	Total	HUD	RI	Total	HUD	RI	Total	HUD	RI	Total	HUD	RI	Total	HUD	RI	Total
Race	2	16	18	1	12	13	2	4	6	1	12	13	0	11	11	0	2	2
Color	1	12	13	0	8	8	0	3	3	0	9	9	0	9	9	0	4	4
National Origin	0	8	8	0	12	12	1	14	15	1	5	6	1	8	9	0	0	0
Natl Orig. - Hisp.	0	6	6	0	10	10	1	13	14	1	4	5	1	5	6	0	0	0
Religion	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	1	1	0	3	3	0	2	2	0	5	5	0	7	7	0	0	0
Disability	1	24	25	1	16	17	4	26	30	1	23	24	0	27	27	0	3	3
Familial Status	2	8	10	0	2	2	1	3	4	3	3	6	0	7	7	0	0	0
Retaliation	0	3	3	0	3	3	0	7	7	1	6	7	0	0	0	0	0	0
Total Cases	6	55	61	2	42	44	7	44	51	4	42	46	1	47	48	0	7	7

* 2014 includes six months only

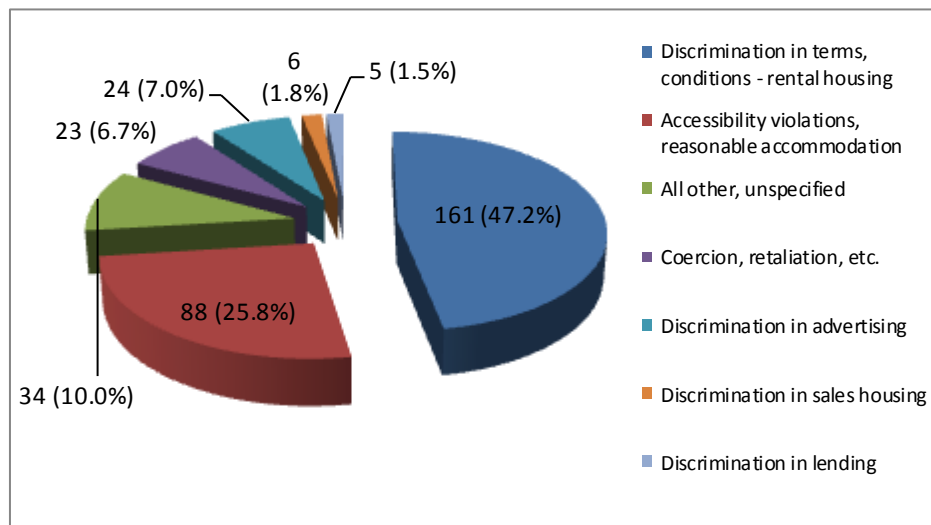
Note: HUD breaks out national origin complaints by whether the complainant is Hispanic or Latino for recordkeeping purposes only.

Source: U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Boston

Discriminatory Conduct

There are more alleged discriminatory actions than either complaints or cases since a single complaint may cover more than one discriminatory action. The most commonly alleged violations involved discriminatory acts in the rental market (refusal to rent, discriminatory terms, conditions, etc.), followed by accessibility violations (failure to make reasonable accommodations or permit reasonable modifications). **Figure 5.3** summarizes the type of discriminatory actions that were reported.

Figure 5.3: Types of Violations Alleged



Source: HUD Office of Fair Housing and Equal Opportunity

Complaint Outcomes

Sixty percent of all closed complaints over the past five years were closed for reasons that failed to substantiate the allegation of discrimination (i.e., an unsuccessful allegation), including 116 (47%) of the 247 cases on which outcome was available that were closed due to a finding of no probable cause.

Table 5.2 presents the outcomes of Rhode Island housing discrimination complaints according to the basis on which the complaint was brought. Complainants alleging discrimination based on national origin experienced the highest success rates (53%), followed by disability complaints (44%). Racial discrimination (31%) and familial status complainants (30%) experienced the least favorable outcomes. A finding of “no cause” was issued in 44 percent of the disability, family status and national origin cases and 55 percent of the race-based cases.

Because there have been so few audits in Rhode Island, there is no benchmark against which to measure these outcomes. Rhode Islanders with disabilities, people of color, families with children, and other protected classes and the agencies that work with them report a need for more aggressive education and outreach, fair housing testing and improved coordination among agencies. Anecdotal reports suggest that a number of factors impede the ability of victims of discrimination to file complaints and pursue them through the administrative and judicial process; the relatively low number of complaints filed and the high number ending in findings that do not substantiate the claim of discrimination may validate these concerns.

Table 5.2: Complaint Outcomes by Basis, FY 2009-2014 Closed Cases

Complaint Resolution by Basis	Race, Color	National Origin	Familial Status	Disability	Total
Outcome Successful for Complainant					
Conciliated/Settled	6	11	4	24	45
Withdrawn after resolution	12	6	4	23	45
Violations enforcement	1	1	0	4	6
Judicial consent orders, charted	2	1	0	0	3
# of outcomes Successful for Complainant	21	19	8	51	99
Outcomes Successful for Complainant as % of Closed Cases	31.3%	52.8%	29.6%	43.6%	40.1%
Outcome Unsuccessful/Unresolved for Complainant*					
Complainant failed to cooperate (or couldn't be located)	3	0	5	3	11
No cause	37	16	12	51	116
No jurisdiction	0	0	1	1	2
Dismissed	0	0	0	0	0
Withdrawn without settlement	6	1	1	11	19
#of Outcomes unsuccessful/unresolved for Complainant*	46	17	19	66	148
Outcomes Successful for Complainant as % of Closed Cases	68.7%	47.2%	70.4%	56.4%	59.9%
Total Closed Cases	67	36	27	117	247

*Often complainants withdraw for reasons which are seen as beneficial to them.

FY 2009 – first 6 months of 2014; includes closed cases on which outcomes were known. Basis shown is first basis listed for cases where more than one was noted.

Source: HUD Office of Fair Housing and Equal Opportunity

Complaints Filed by Classes Protected Under Rhode Island Fair Housing Law

Rhode Island's Fair Housing Practices Act (FHPA), as noted, is more comprehensive than the federal statute. In addition to prohibiting discrimination based on the federal criteria, state law also prohibits housing discrimination based on marital status, sexual orientation, age (18+), gender identity or expression and being a victim of domestic abuse.⁵⁹ It is also illegal to discriminate against someone because of his/her association with members of a protected class. Most recently, "housing status" was added as a protected basis when Governor Chafee signed into law a "Homeless Bill of Rights", the first of its kind in the nation, in June 2012. Housing status is defined as "the status of having or not having a fixed or regular residence, including the status of living on the streets or in a homeless shelter or similar temporary residence".

Table 5.3 summarizes complaints filed with the Rhode Island Commission for Human Rights between 2008 and 2012 based on discrimination banned under state law, but not under the federal Fair Housing Act.

Table 5.3: Complaints Filed by Persons Covered Under RI's Fair Housing Law, but Not the Federal Fair Housing Act

	2008	2009	2010	2011	2012
Age	2	3	1	0	0
Gender Identity or Expression	1	0	0	0	0
Marital Status	1	1	0	1	0
Sexual Orientation	0	2	1	2	2
Status as Victim of Domestic Abuse	2	0	0	0	0
Total complaints from classes protected under RI, but not federal, fair housing law	6	6	2	3	2
<i>Additional detail provided by RICHR on type of disability</i>					
Mental Disability	5	7	7	10	10
Physical Disability	18	12	11	11	11

Source: Rhode Island Commission for Human Rights

Fair Housing Audits, Surveys

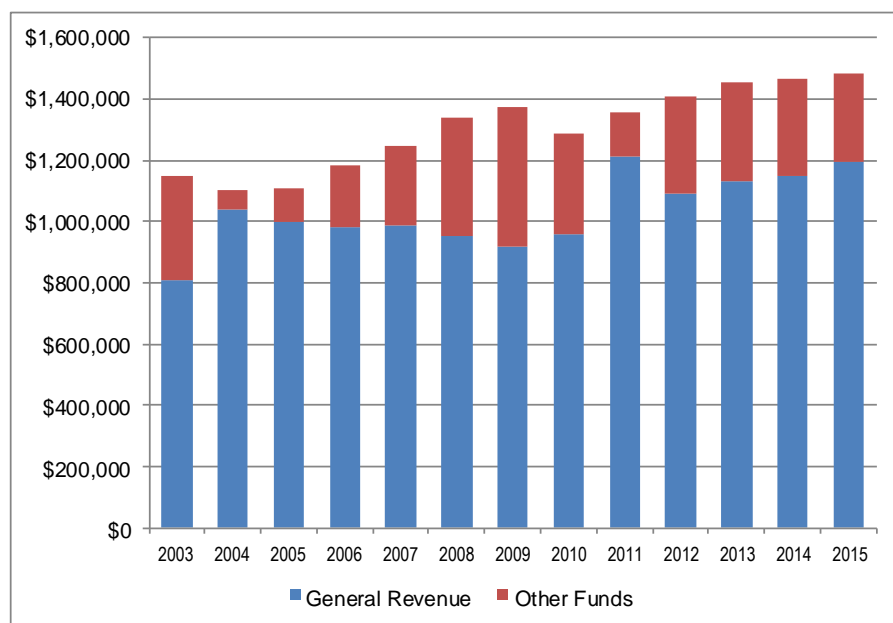
Fair housing audits are a well-established means for gauging fair housing conditions in the marketplace, and audit results provide a benchmark against which it is possible to measure the effectiveness of enforcement activities. Audits use "matched pair" testing to determine the incidence at which real estate agents, landlords, and others in the for-sale and rental markets discriminate. Audits are often used to test for discrimination in mortgage lending as well. The mission of the Rhode Island Commission for Human Rights includes outreach and education, and occasionally the Commission will exercise its statutory authority to conduct fair housing audits or initiate fair housing testing to validate a specific complaint. In 2014, the Commission received a special partnership grant from the Department of Housing and Urban Development to conduct testing throughout Rhode Island to assess compliance with state and federal laws related to persons with assistive animals. Nearly 50 charges of discrimination were initiated by the Commission in 2014 as a result of the testing. Commission staff does conduct fair housing education and training.

Surveys are another useful technique for identifying the degree to which residents believe they have been victims of housing discrimination and, if so, whether they sought to take advantage of the enforcement

⁵⁹ The prohibition against discrimination on the basis of sexual orientation was added to the state FHPA in 1995. "Gender Identity/Expression" and "Status as a Victim of Domestic Abuse" protections were added in 2001 and 2002 respectively.

provisions provided under federal and state law. Surveys can also be used to gauge public knowledge, attitudes and behavior relating to housing discrimination. A broad based survey can establish a valuable baseline from which progress toward eliminating discrimination can be measured. There remains a need to undertake a statistically significant fair housing survey in Rhode Island.

Figure 5.4: Rhode Island Commission for Human Rights Budget



* Years shown are RI fiscal years
Source: Rhode Island Housing

Hate Crimes

Hate crimes – violent acts against people, property, or organizations motivated by a bias related to victim’s race, ethnicity, religion, gender, sexual orientation, national origin, or physical or mental disability – date back to the earliest civilizations. It was not until the 1990s, however, that the federal government began to collect data on the number and type of hate crimes being committed in the United States. While not directly related to housing complaints, hate crimes are another barometer of discrimination.

Under Rhode Island law, a hate crime is defined as “any crime motivated by bigotry and bias, including, but not limited to threatened, attempted, or completed acts that appear after investigation to have been motivated by racial, religious, ethnic, sexual orientation, gender or disability prejudice.”⁶⁰ In order to track hate crimes, the State has established a centralized reporting system for alleged incidents. All police departments within the state are required to have training on identifying, responding to and reporting hate crimes. Occurrences of such crimes are reported monthly to the state police, who maintain a permanent record of the offenses, categorized by community of occurrence, type of offense, and target. Often victims are reluctant to report such attacks, and this represents an obstacle to gaining an accurate count of hate crimes.

⁶⁰ R.I. Gen. Laws § 42-28.2-8.1.

Between 2008 and 2012, a total of 127 hate crimes were reported by law enforcement from across the state, averaging about 25 per year over this period. Since 2009, the number of reported incidents has dropped significantly, but the numbers are so small as to be inconclusive. More than one-third of the reported incidents appear motivated by bias against the victim's sexual orientation (totaling the three categories of anti-gay male, anti-lesbian female and anti-homosexual male or female). Anti-Black bias was the next most common bias-motivated crime, followed by anti-Hispanic and anti-Jewish.

Table 5.4: Hate Crimes Reported in Rhode Island, 2008-2012

Description	2008	2009	2010	2011	2012	5 Year Total	
Anti-Black	4	7	10	2	3	26	20.5%
Anti-Homosexual (Male-Gay)	6	7	0	6	6	25	19.7%
Anti-Hispanic	1	1	4	7	1	14	11.0%
Anti-Jewish	3	6	3	1	0	13	10.2%
Anti-Homosexual (Male & Female)	2	4	1	2	3	12	9.4%
Anti-White	2	3	1	1	1	8	6.3%
Anti-Catholic	1	2	0	3	0	6	4.7%
Anti-Homosexual (Female-Lesbian)	3	1	2	0	0	6	4.7%
Anti-Islamic (Muslim)	0	2	2	1	0	5	3.9%
Multi-Racial Group	1	1	1	1	0	4	3.1%
Anti-Other Religion	0	0	0	0	2	2	1.6%
Other Ethnicity/Nat'l Origin	1	1	0	0	0	2	1.6%
Anti-Female	0	0	1	1	0	2	1.6%
Anti-Physical Handicap	0	0	0	1	0	1	0.8%
Anti-Mental Handicap	0	0	1	0	0	1	0.8%
Total	24	35	26	26	16	127	100.0%

Uniform Crime Report: Crime in Rhode Island (2008-2012) issued by the Rhode Island State Police

Other Organizations with a Fair Housing Advocacy Role

Fair housing organizations, trade associations and other non-profits also have an important role to play. Such organizations may conduct matched pair testing, initiate preliminary investigation of claims of discrimination, or provide education and training. Some, like Rhode Island Legal Services, are sometimes the first line of defense for people who believe they have been victims of housing discrimination. In many parts of the country, fair housing organizations have played a much more prominent role in identifying and combating discrimination through audits, education and outreach than they have in Rhode Island. Budget constraints and a heavy caseload were cited by both the Rhode Island Human Rights Commission and Rhode Island Legal Services as factors limiting their activities, but both underscored the need to bolster this type of activity.

The following are among the most prominent organizations in furthering fair housing in Rhode Island:

Rhode Island Legal Services

The nonprofit RILS provides a full range of legal assistance, including advice and brief service, investigation, negotiation, and litigation in all state and federal trial and appellate courts. RILS also provides community legal education services to its client community and is the State's major law firm for low-income people with civil legal problems. RILS is funded, in part, by the Legal Services Corporation, a publicly funded, nonprofit corporation established by Congress in 1974 to provide civil legal assistance to those who otherwise would be unable to afford it. RILS provides legal assistance to low income individuals experiencing housing discrimination issues through its Housing Law Center.

RILS maintains a website that provides information to tenants, homebuyers, sellers and agencies about the laws governing fair housing and compliance with those laws. The website, www.rifairhousing.org, offers insight into the practical elements of buying and renting, including a catalogue of the warning signs of discrimination, and information on who to contact concerning fair housing complaints. A video on the website serves as an education tool on foreclosure scams. As of June 2015, this website was under construction.

From time to time, RILS summarizes and reports on its housing discrimination cases. It has not done so recently, but a 2004 analysis of some 1,500 clients from Providence, Pawtucket and Woonsocket who reported housing discrimination to the organization between February 1, 2003 and March 30, 2004, revealed that more than 35 percent were Hispanic, 22 percent were Black and 42 percent were White. Of these complainants, 24 percent complained of disability-related discrimination, 16 percent complained of familial status-related discrimination, 13 percent complained of racial/ethnicity-related discrimination and 12 percent complained of more than one type of discrimination. While RILS has conducted fair housing education and outreach in the past, some of it funded by HUD, budget constraints and a heavy caseload have limited such activity in recent years.

Rhode Island Disability Law Center (RIDLC)

The Rhode Island Disability Law Center (RIDLC) provides free legal assistance to persons with disabilities. Services include: individual representation to protect rights or to secure benefits and services, self-help information, educational programs and administrative and legislative advocacy. Of the cases taken by RIDLC, approximately 80 to 90 percent are mediated to a successful resolution.

Fair Housing Rhode Island

Fair Housing Rhode Island is a statewide coordinated campaign administered by Rhode Island Housing (RIH). Launched in 2007, the Campaign's goal is to raise awareness about state and federal fair housing rights and responsibilities and to provide a central resource center for fair housing issues. The campaign, which is a partnership between RIH, the Rhode Island Housing Resources Commission and the Housing Network of Rhode Island, the state association of non-profit community development corporations, is funded by a HUD Fair Housing Initiatives Program Education and Outreach grant. The Rhode Island Commission for Human Rights serves in a consultant capacity in support of the initiative. The Housing Network, whose members have developed thousands of units of affordable housing, also maintains a fair housing resources website (in English and Spanish). Some of its members have received FHIP grants (see below) to conduct fair housing audits, but not recently.

Rhode Island Association of Realtors®

The Rhode Island Association of Realtors® (RIAR) encourages members to participate in its courses on fair housing laws. The Association also offers a three-hour course on the Americans with Disabilities Act (ADA). These courses describe techniques to deal with communication and mobility issues that are unique to people with disabilities. Course content is developed collaboratively with the Governor's Commission on Disabilities. The REALTOR® Code of Ethics prohibits housing discrimination. Members of the public and other REALTORS® may file an ethics complaint against any member of RIAR who engages in illegal discrimination. RIAR and all five affiliated local REALTOR® associations in Rhode Island accept and review ethics complaints and have the authority to fine, sanction, or suspend or expel a member who engages in this practice.

Rhode Island Department of Business Regulation

The State's Department of Business Regulation (DBR) licenses real estate salespeople and brokers, and regulates the content of pre-licensing classes and continuing education classes for real estate licensees. All new real estate licensees must complete a three-hour state-approved class about lead, and the Rhode

Island licensing examination for realtors requires knowledge of fair housing laws and the Americans with Disabilities Act. Commercial Licensing Regulation 11, Section 14 states that it is a violation of real estate licensee law for any real estate licensee to violate federal or state fair housing laws. This regulation is enforced by DBR. Section 29 of the regulations prohibits real estate schools from engaging in discrimination. Section 30 requires real estate licensees to complete 24 hours of DBR-approved continuing education classes every two years. Six of the 24 hours must come from “core” classes. DBR has approved nine categories of core classes, including fair housing, lead and other environmental issues, landlord-tenant, local ordinances, and financing.

Governor's Commission on Disabilities

Rhode Island has had a centralized focal point for issues of concern to residents with disabilities for more than a half century, but in 1992 the Governor's Commission on Disabilities was designated by law as the agency with the responsibility for state government compliance with the Americans with Disabilities Act (ADA) and all other state/federal laws protecting the rights of people with disabilities. The Commission's objective is to ensure that all people with disabilities in the state are afforded the opportunities to exercise all the rights and responsibilities accorded to Rhode Island citizens, and each person with a disability is able to reach his/her maximum potential in independence, human development, productivity and self-sufficiency.

The Commission assists the Rhode Island Association of Realtors® by conducting classes on fair housing for people with disabilities and the ADA. Although staff is limited at the present time, the Governor's Commission conducts on-site accessibility assessments and issues recommendations to public and private building owners on how to remove architectural barriers. Annually the Commission conducts a series of public forums to identify the concerns of people with disabilities and their families. The housing-related concerns expressed at these sessions have helped inform this plan. They are documented in **Section 11**, Community Engagement.

The Rhode Island Developmental Disabilities Council

The Rhode Island Developmental Disabilities Council is a 24-member council appointed by the Governor that works to promote changes that make it possible for people with developmental disabilities to fully participate in community life. Most of the Council members are people with developmental disabilities and/or their family members. Others are representatives of agencies and groups that work for people with disabilities. All offer exceptional insight into the obstacles that confront people with developmental disabilities throughout their lives: issues involving education, employment, transportation, housing, recreation, and health care, among others. The Council works to promote creative ways that families, service agencies and federal, state and local governments can work together so that people can live more independent, fulfilling lives.

Fair Housing Initiatives Program (FHIP)

The HUD Fair Housing Initiatives Program (FHIP) is an important resource for public and private entities working to combat discrimination in the housing market. The FHIP Program, established by the Housing and Community Development (HCD) Act of 1987, provides funding through four program categories. These activities include programs of enforcement, voluntary compliance, and education and outreach. The grants are awarded in the following categories:

- Private Enforcement Initiative (PEI) grants fund non-profit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices.
- Education and Outreach Initiative (EOI) grants provide support for fair housing activities. The grants fund State and local government agencies and non-profit organizations for initiatives that

explain to the general public and housing providers what equal opportunity in housing means and what housing providers need to do to comply with the Fair Housing Act.

- Fair Housing Organizations Initiative (FHOI) grants provide funding that builds the capacity and effectiveness of non-profit fair housing organizations. Funds may be used for fair housing enforcement and education initiatives. FHOI strengthens the fair housing movement nationally by encouraging the creation and growth of organizations that focus on the rights and needs of underserved groups, particularly persons with disabilities.
- Administrative Enforcement Initiative (AEI) grants help State and local governments who administer laws that include rights and remedies similar to those in the Fair Housing Act implement specialized projects that broaden an agency's range of enforcement and compliance activities, but this program is currently not funded.

While several Rhode Island organizations have received FHIP grants in the past, including Rhode Island Housing, the Providence Housing Authority, and the Rhode Island Commission for Human Rights, none have been funded in more than five years and few have even applied. In the most recent round of funding (September 2013), HUD awarded \$38.3 million to 95 fair housing organizations and other non-profit agencies in 38 states and the District of Columbia. Rhode Island was the only New England state that did not receive a FHIP grant, and only one organization applied.

Current Programs and Actions

Funding for fair housing education and outreach activities is provided through the State's CDBG program. Fair Housing initiatives of the state during the last five years include, in addition to the addition of a new protected basis (housing status):

The Fair Housing Initiative Program, a Technical Assistance Kit, established with the help of a 2007 FHIP grant, was distributed statewide and on the website at www.FairHousingRI.org.

In 2008, www.HomeLocatorRI.net, a web-based housing locator to provide easier access to affordable housing was launched. The site is sponsored by Rhode Island Housing, the Housing Network of Rhode Island, the Public Housing Association of Rhode Island, and Rhodes to Independence. The system allows consumers to access through the Internet a search for available homes by various features including location, price, proximity to public transportation and handicapped accessibility. The site is a resource for market-rate and subsidized rental housing and for subsidized ownership properties. Key features include a live call-center to provide assistance to people seeking housing or posting affordable homes, a user-friendly on-line search site available in Spanish and English, and special tools to help agencies serving the homeless link their clients to permanent supportive housing.

In 2009, Rhode Island Housing and the state's Office of Housing and Community Development issued a policy statement asserting the requirement that all housing that meets the state's definition of Low- and Moderate-Income Housing must be affirmatively marketed, including listing on the statewide housing locator website and listings in minority newspapers as well as one of general circulation.

Rhode Island Housing and its partners coordinated with the real-estate community on a series of workshops to promote equal access to affordable homes for all housing groups (2011).

Chapter 6: Statewide Findings & Recommendations

In the year and a half leading up to the finalization of this Regional AI, the State of Rhode Island identified dozens of action steps to mitigate or eliminate barriers to housing. The recommendations were informed by a rigorous analysis of demographic trends, conditions in the private and publicly assisted housing markets, discrimination complaints, academic and market research, and the testimony of a broad range of stakeholders. The impediments and recommended strategies have been organized around the key themes discussed in the assessment.

Elevate the importance of fair housing statewide

One of the biggest constraints to effective implementation of policies to affirmatively further fair housing is the fragmentation of authority among individual cities and towns. This fragmentation makes it difficult to craft effective statewide strategies for expanding the availability of affordable housing, promoting racial and economic diversity, or promoting balanced growth. The Office of Housing and Community Development, Rhode Island Housing and others maintain informal advisory networks, but there is a need for more ongoing, consistent coordination of fair housing activities across multiple jurisdictions, or multiple disciplines such as fair housing enforcement, affordable housing development, jobs planning, transportation, and health. The development of the state's first Regional Analysis of Impediments to Fair Housing is the first step toward improving coordination around fair housing policies and activities between the state and its entitlement communities.

Strategies:

1. Establish a permanent Fair Housing Advisory Committee, which would be responsible for overseeing implementation of strategies, developing metrics and monitoring progress. The Committee would be a forum for coordinating fair housing policies and programs among agencies, municipalities and community partners. This will include working with agencies on the integration of fair housing principles into planning and funding decisions, including consideration of whether the outcome will reduce disparities and improve choices for protected classes. The Committee would also be responsible for periodically updating the strategies recommended in the AI and seeking partnerships with research institutions to improve metrics and explore fair housing and discrimination issues. The state Housing Resources Commission could lead this committee, which should at minimum include Rhode Island Legal Services, Rhode Island Commission for Human Rights, representatives from entitlement communities, Public Housing Authorities, the Institute of Real Estate Management, Rhode Island Bankers Association, Rhode Island Mortgage Bankers' Association, Rhode Island Association of Realtors, the Housing Network of Rhode Island and Rhode Island Housing.
2. Entitlement Communities and the state will continue to take a regional approach to fair housing issues by regularly updating the Regional Analysis of Impediments to Fair Housing Choice which addresses fair housing issues in entitlement communities and the state as a whole.
3. Develop a set of metrics to measure disparities in living conditions and quality of life factors experienced by people within the classes protected by fair housing laws. The metrics may be used to guide planning activities and ensure the deployment of resources in an equitable manner.

Reduce segregation and concentrated poverty and increase access to quality affordable homes throughout the state

Housing segregation based on income/race/ethnicity is still a concern in Rhode Island. Despite the state's increasing diversity, most of Rhode Island's cities and towns remain highly segregated by race and ethnicity. People of color, regardless of income, are far more likely to live in areas of concentrated poverty or neighborhoods that otherwise offer few of the amenities that are typically associated with opportunity.

Existing housing resources are insufficient to meet the growing needs of low income Rhode Islanders, and protected classes are disproportionately represented among those in need of – and receiving – housing assistance. Much of the state's public and subsidized housing, particularly housing for families, is located in racially concentrated high poverty areas.

Rhode Island is committed to expanding housing opportunity throughout the state, for all types of households. To do so, the Office of Housing and Community Development (OHCD), Rhode Island Housing and the Housing Resources Commission (HRC) have adopted an inclusive approach in their policies and allocation of financial resources. This includes the strategic investment of resources to improve opportunity in racially/ethnically concentrated, low income areas while increasing access to affordable family housing in less segregated higher income neighborhoods.

In terms of strategic investment to encourage urban revitalization, it is important to ensure that the residents who live in disadvantaged neighborhoods have the opportunity to remain in these neighborhoods when conditions improve.

The policies governing assisted housing, its quality and location affect access to opportunity and have a profound effect on housing choice. Rhode Island's Low Income Housing Tax Credit and HOME program scoring systems include bonus points for proposals that develop housing opportunities in communities that have few affordable housing options. The state's housing bond program (Building Homes Rhode Island) has utilized similar criteria. In part due to these incentives, 64% of the affordable homes produced in the state between 2003 and 2012 were in communities that provide higher levels of opportunity.

Strategies:

1. Continue to prioritize state investment in affordable housing in communities with limited housing options.
2. Provide technical assistance to municipalities to help them achieve 10% affordable housing goal and encourage a diversity of housing types and affordability.
3. Expand housing opportunities in areas of concentrated poverty through development of affordable deed-restricted housing or affordable market rate housing.
4. Revitalize and strengthen urban areas for the benefit of existing and future residents. Develop a process for negotiating Community Benefit Agreements for projects of state significance that receive state or local subsidies, to ensure that a project's positive impacts (housing, neighborhood improvements, jobs etc.) will benefit current residents.
5. Offer wealth building opportunities for residents living in subsidized housing. Expand Family Self Sufficiency and similar programs that help low-income households to achieve financial stability and build assets.

6. When state-level investments are provided to improve conditions in a low- or mixed-income area, couple these investments with a public process designed to identify strategies to ensure existing residents can remain in place as conditions improve.

A Fair Housing Information and Assistance Center

The lack of an independent fair housing center with adequate legal, communications, media capacity and community support is a potential impediment to fair housing in Rhode Island. It noted that the Rhode Island Legal Services Fair Housing Center provides information and assistance to the public, including tenants, buyers, sellers and agencies, about the laws and compliance governing fair housing, and works in close association with the Rhode Island Commission for Human Rights and other agencies to promote fair housing. It suggested, however, that a state Center of Fair Housing – unlike the Rhode Island Commission for Human Rights – could provide crucial advocacy and support on fair housing issues. Other jurisdictions have produced a number of useful models and tools that Rhode Island can replicate or learn from. This includes the Connecticut Fair Housing Center (CFHC), established in 1994, as well as the Boston Metropolitan Area Planning Council’s on-line Fair Housing Toolkit.

Strategies:

1. Create a Fair Housing Assistance Center for Rhode Island to support education, advocacy and enforcement efforts, including routine testing programs. Consider supporting the expansion of an existing organization, such as Rhode Island Legal Services, to perform this function. Research current programs operating in Massachusetts and Connecticut as potential models.
2. Expand outreach to real estate industry trade groups and practitioners for their input and involvement in fair housing education activities. Collaborate with these groups to provide ongoing training regarding fair housing issues and requirements. These training sessions should be widely publicized and offered in Spanish as well as English.
3. Update the Fair Housing Rhode Island Technical Assistance kit.
4. Update the Landlord Tenant handbook to reflect changes to all relevant fair housing laws and requirements.

Provide and promote information on statewide housing opportunities

There may be many reasons why people of color, African Americans and Latinos in particular, are absent from so many Rhode Island communities. Lower incomes often contribute to racial/ethnic segregation, but they do not explain it. Segregation can result from many factors, including the voluntary choices people make about where they want to live and regulatory restrictions that can have the effect of limiting housing choice. Regardless of the cause, residential segregation contributes to disparities in education, employment, and wealth, and the State has an obligation to ensure that the housing choices of protected classes are not being limited because of discrimination in the housing market, discriminatory public policies or a lack of information about the residential opportunities available to them.

Strategies:

1. Provide information in multiple languages on affordable housing opportunities throughout the state. Update the Rhode Island Housing Rental Resource Guide and post it online in multiple languages.

2. Implement a housing mobility assistance program to help connect low-income Rhode Islanders and those in protected classes to affordable housing opportunities throughout the state, with a particular focus on tenants with rental assistance vouchers.
3. Work with Rhode Island Housing and other Public Housing Authorities to reduce barriers to the utilization of tenant-based rental vouchers in high opportunity areas. These efforts should include educating landlords about the benefits of accepting tenants with rental assistance and increasing the % of fair market rents (FMR) available to landlords if necessary.
4. More effectively promote the Housing Locator (HomeLocatorRI.net) to improve utilization by private landlords and Rhode Islanders searching for an affordable home. Provide technical assistance on developing anti-displacement strategies for areas in which development is occurring or desired.
5. Work with the resident organizations and advisory boards of Public Housing Authorities to provide a platform for residents to voice concerns and help residents connect with important services and opportunities such as mobility assistance and wealth building strategies.
6. Work with Public Housing Authorities to encourage better coordination and collaboration, including exploring the possibility of a combined waitlist for the Housing Choice Voucher Program.

Improve access to homeownership

Rhode Island's minority households have rates of homeownership well below those of neighboring states and the nation as a whole. Homeownership is an important equity-building tool in which too many Rhode Island minority households do not engage. As our minority community continues to grow, it is critical that they have equal access to affordable homeownership opportunities.

Strategies:

1. Actively promote Rhode Island Housing home loans, offered through the Rhode Island Housing loan center and the network of participating lenders throughout the State, particularly in neighborhoods with high concentrations of minority populations. Rhode Island Housing has special products for non-first time home buying in certain census tracts with concentrated areas of minority population (targeted census tracts), and will continue to work with lenders to better engage these communities.
2. Continue to support and expand homebuyer and landlord training, financial literacy and foreclosure counseling classes. These opportunities must include services and resources in multiple languages and in multiple engagement formats.

Inform and improve mortgage lending practices

For years redlining left many urban neighborhoods and borrowers without access to mortgage credit. By the beginning of the 21st century, however, areas that previously had difficulty getting any mortgage loans were being targeted for higher cost, often exploitative, loan products. Blacks and Latinos in Rhode Island, as elsewhere, were much more likely to receive high interest rate subprime loans and loans with features that are associated with higher foreclosures; as a result, they have borne the brunt of the foreclosure crisis.

Most of the predatory practices and abusive features associated with subprime lending during the housing boom have since been banned. There remains a race-associated disparity in conventional lending between non-Hispanic Whites and Blacks and Latinos and continued denial rate disparities, which remain cause for concern.

Strategies:

1. Use HMDA data to track trends in home buying and mortgage lending over time. Identify lenders with high rates of loan denials involving members of protected classes and utilize the Community Reinvestment Act to influence lender conduct. The Fair Housing Advisory Committee will work to identify a non-profit or academic partner to undertake this research project on an annual or biennial basis. Poor performers should be noted but improvements by lenders should also be spotlighted.
2. Working with industry partners, the Fair Housing Advisory Committee will work to recommend changes to state or federal lending policies or programs to address challenges to minority homeownership identified through research and data analysis.

Address the ongoing foreclosure crisis

What is clear is that the economic downturn and the rise in foreclosures hit the state's Black and Hispanic neighborhoods particularly hard. The widespread subprime lending in Rhode Island's communities of color during the late 1990s and early part of the 2000s decade led to a concentration of foreclosures in these neighborhoods, eroding the gains in minority homeownership and the stability of entire neighborhoods.

Strategies:

1. Work through community-based organizations, such as DARE, to educate renters and homeowners about the state's new foreclosure protection laws and resources including foreclosure mediation, 'just cause' protection for tenants of foreclosed properties and free homeowner counseling through Rhode Island Housing's Help Center and other non-profits.
2. Make permanent the state's foreclosure mediation law (§34-27-3.2), which developed a statewide process for foreclosure mediation for homeowners who fall behind on their mortgage.
3. Engage in testing for compliance with federal and state protections for homeowners and tenants in properties at risk of foreclosure or in the process of being foreclosed, including bank-owned properties.
4. Raise awareness about the Boston Community Capital SUN, or Stabilizing Urban Neighborhoods, foreclosure prevention program that works to prevent the displacement of families and the neighborhood destabilizing effects of vacancy and abandonment. Under the program, a subsidiary of Boston Community Capital acquires a foreclosed property before an eviction occurs and then resells the home to the existing occupant with a mortgage (s)he can afford. The program was begun in Massachusetts, but began accepting inquiries from Rhode Island homeowners in the summer of 2014. While no Rhode Island loans had closed as of November 2014, nearly 50 homeowners facing foreclosure have requested assistance.
5. Raise awareness and provide education about the Federal Housing Administration's new program, "Back to Work – Extenuating Circumstances", which shortens the waiting period and provides opportunity for a new home loan following a foreclosure, short sale, deed-in-lieu of foreclosure, or declaration of bankruptcy .

Address housing needs of people with disabilities

The State has undertaken a number of initiatives to expand housing opportunities for people with disabilities, but they continue to face discrimination, stigmatization and limited housing options. Compounding these challenges, the fair housing rights of people with disabilities and the obligations of housing providers are not widely understood. Rhode Island does not have an Olmstead plan, which is the vehicle by which most states document their plans for providing services to individuals with significant disabilities in the most integrated setting appropriate to the individual and the timeframe for doing so.

Strategies:

1. Re-convene the Olmstead Commission with the mandate to develop a comprehensive plan for serving Rhode Island residents with disabilities in the most integrated setting possible. This is an opportunity to better address the fact that developmentally disabled persons and those with mental illness have a particular problem finding housing. The commission will work to identify specific strategies to assist people with disabilities residing in institutions or other segregated settings to transition to community-based settings and to support their integration into the community. The plan would include funding sources and accountability measures.
2. Allocate sufficient resources to carry out the objective of creating new units of permanent supportive housing for people in institutions and at risk of institutionalization.
3. Rhode Island Housing, Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Healthcare (BHDDH) and the Executive Office of Health and Human Services (EOHHS) shall work together to implement the HUD Section 811 pilot program to integrate housing for persons with disabilities in affordable housing with supportive services.
4. Support community integration for people with disabilities through the provision of quality housing, transportation and supportive services.
5. Promote the use the HomeLocatorRI.net website for affordable housing by accessibility features.
6. Encourage local Comprehensive Plans to address how the housing needs of people with disabilities, including those with significant disabilities, can be addressed. Provide training to local officials on rules and standards related to housing accessibility and discrimination and technical assistance materials that can help local governments update local zoning and land development regulations in a way that better addresses accessibility for people with disabilities.
7. Increase funding for the Access Independence program, which is funded through BHDDH and administered by Rhode Island Housing and provides loans to households in need of making crucial upgrades for accessibility improvements. Currently, only about 12 loans can be made per year with the annual \$150,000 appropriation.
8. Expand training on reasonable accommodations/modifications for staff and providers such as local housing authorities, community action agencies, etc. Continue funding and support expansion of existing programs to create permanent supportive housing for people with disabilities.
9. Advocate for the restoration of budget cuts to programs that provide supportive services to people with disabilities in community-based settings.
10. Expand the *Rhode to Home* Money Follows the Person (MFP) demonstration program. The program, the goal of which is to improve housing and services options for individuals transitioning from institutions into the community, is administered through the Department of Human Services.

Infrastructure, Zoning and Land Use

Local land use and development regulations are important tools in affirmatively furthering fair housing and in ensuring that communities offer an appropriate mix of housing options in a manner that aligns with the State's land use goals. Sometimes, however, local regulations hinder the production of such a suitable mix. In particular, the preponderance of single family zoning and the lack of by-right multi-family options in some communities are often seen as reducing the availability of rental units and therefore disproportionately restricting access for lower income individuals. Well-crafted land use strategies and development regulations can overcome these challenges, expand housing opportunity, increase the supply of affordable housing and accommodate higher densities in appropriate locations while also advancing other important goals, such as open space protection, economic development, and urban core revitalization. In addition, Rhode Island has a "fair share" affordable housing statute (the Low and Moderate Income Housing Act) that allows a limited override of local zoning to produce affordable subsidized housing in communities where less than 10 percent of the year round housing qualifies as such.

Strategies:

1. Community Comprehensive Plans are required within the State of Rhode Island and are important in ensuring that an appropriate mix of housing opportunities is provided at the local level. Clear standards and guidelines are needed however to assist municipalities in achieving associated fair housing goals and should be put forward and acted upon as soon as possible.
2. Update training materials previously developed around topics such as inclusionary zoning techniques; expand these to encourage the provision of by-right multi-family housing and deploy them as a means of furthering the obligation to analyze and modify rules, policies, and practices that may have potential discriminatory effects.
3. Work to provide incentives that spur the production of multi-family affordable housing units within locally designated and state approved growth centers.
4. Continue to actively train elected officials, governmental staff and property managers/developers on affirmatively furthering fair housing obligations and opportunities, as well as promoting inclusiveness in processes and decision-making. Emphasize topics such as those mentioned above as well as others such as affirmative marketing requirements and resident selection policies.
5. Provide technical assistance to communities on developing anti-displacement strategies for areas in which development is occurring or desired.
6. Work with RIPTA to site transit service near low- to moderate-income housing and near job centers to help create the essential housing/transit/jobs linkage.

Source of Income Discrimination

Discrimination against individuals or families based on source of income is not prohibited under federal or Rhode Island fair housing laws, and low income residents seeking housing are often discouraged from viewing an apartment or a home, or turned down when they apply for housing. The Rhode Island Commission for Human Rights has noted an increase in recent years in discrimination allegations on the basis of source of income, but since this is not covered under federal or state law, the Commission is unable to assist these alleged victims of discrimination.

Strategies:

1. Amend the state Fair Housing Practices Act to include “source of income” as a protected class so it would be illegal for landlords to discriminate against tenants based on their source of income.
2. Expand education and outreach to landlords in low poverty, high opportunity areas about the Housing Choice Voucher program and how it may benefit them as well as the tenants being assisted.

Increase access to healthy housing

Unhealthy and unsafe housing disproportionately affects low income communities and communities of color. Rhode Island has several funded programs and community outreach initiatives associated with improving the quality of the state’s housing stock. Healthy housing is a fair housing issue as it relates to families with children, as children are most likely to suffer irreversible damage as a result of lead-based paint poisoning. The Fair Housing Advisory Committee should work with the Rhode Island Alliance for Healthy Homes to develop targets for improvement and metrics for measuring success.

Strategies:

1. Educate tenants and landlords about the state’s laws pertaining to safe and healthy housing, particularly with respect to lead laws and code violations. Raise awareness about the anti-retaliation measures within the Residential Landlord and Tenant Act (Title 34-18-64), which prevents landlords from evicting or raising the rent on tenants that report code violations.
2. Increase participation rate in lead-safe and lead-free certification programs. Tie participation to incentives. Research the degree to which participation has occurred and how it progresses on a yearly basis while leveraging the research that the Providence Plan is already doing relative to this issue of non-compliance with lead laws.
3. Support permanent funding streams from the state for lead mitigation programs and continue to strengthen programs dedicated to making existing homes cleaner, safer and more energy efficient. Support Rhode Island Housing, Housing Resources Commission, Rhode Island Office of Energy Resources, Rhode Island Public Utilities Commission, National Grid, Rhode Island Department of Human Services and other key agencies, providing the funding and personnel necessary to effectively distribute these resources. Working through the Rhode Island Alliance for Healthy Homes and other vehicles, the state should seek to coordinate and leverage existing funding sources and explore opportunities to attract private capital to invest in housing stock upgrades.

Improve Fair Housing Enforcement

The persistence of hate crimes, housing discrimination and the other barriers to housing choice underscores the need for coordinated enforcement of fair housing laws *and* more effective fair housing education to address assumptions and fears about race, color, ethnicity, ability to speak English, disability, and the other characteristics protected by civil rights laws. There is currently no organization in Rhode Island with sufficient staffing and resources that focuses on fair housing outreach, education, testing, advocacy, etc. The Rhode Island Commission for Human Rights (RICHR) has the statutory authority to undertake education and testing, including recently on compliance with state and federal laws

related to persons with assistive animals. The RICHR conducted ten housing specific education/outreach sessions in Fiscal Year 2014, including a training on ‘Mortgage and Predatory Lending’. Limited funds, however, render efforts such as public service announcements and large scale educational endeavors impossible. Representatives from RICHR, RI Legal Services, the RI Disability Law Center, and others all identified limited organizational capacity (staffing, funding) as a major barrier to more effective fair housing enforcement.

Strategies:

1. Increase funding for the Rhode Island Commission for Human Rights to support their enforcement efforts, including routine testing programs.
2. Strengthen education to landlords, tenants, banking and lending institutions, and the general public about fair housing laws. Property owners and managers need to be informed of fair housing laws and know that enforcement mechanisms are in place. Renters and homebuyers should also be aware of their fair housing rights and responsibilities. One area of particular confusion involves protections for families with children when the property contains lead paint. Another involves requests for reasonable accommodation related to assistive animals.

Institutional barriers to housing for ex-offenders

Individuals re-entering the community following incarceration face special challenges and limited housing options. Ex-offenders often have trouble finding housing. Many experience rejection from family and friends, and they are often barred from public and private housing. While ex-offenders are not a protected class, members of protected classes are disproportionately represented among them. Property owners, including public housing authorities, have considerable discretion in determining when and if they will rent to ex-offenders and how they will balance the goal of family reunification with other concerns.

Strategies:

1. The working group established by the Interagency Council on Homelessness shall continue to study this issue and make recommendations in consultation with public housing agencies, owners or managers of privately-owned subsidized housing, an agency providing reentry services to ex-offenders, the Rhode Island Department of Corrections, and Rhode Island Legal Services.

Chapter 7: RI's Entitlement Communities: Partners in the Regional AI

Background

Rhode Island's six largest cities – Cranston, East Providence, Pawtucket, Providence, Warwick, and Woonsocket – have long had an obligation as direct recipients of federal housing and community development funds, or Entitlement Communities, to prepare Analyses of Impediments (AI) for their own jurisdictions, and they have typically done so every five years. An Entitlement Community's obligation to prepare an AI may be met through the preparation of an individual AI or through the preparation of a more comprehensive Regional AI, provided the Regional AI addresses both the impediments to fair housing choice in the participating jurisdiction and the broader regional impediments. This Regional AI does that, and the six Entitlement Communities have participated in its preparation.

The most recent jurisdictional analyses of impediments and the State AI were completed between 2008 and 2012. All the jurisdictional AIs were prepared by, or under contract to, the community development departments of the six cities. (Table 7.1 summarizes the impediments identified by the communities in their most recent AI and steps taken to address them.)

In form, content, process, and data sources, [most of] those AI generally follow the guidance provided in the Department of Housing and Urban Development's Fair Housing Planning Guide, although they vary in their depth and comprehensiveness. Public participation was encouraged and included outreach to protected classes, linguistic minorities, program beneficiaries, and other underserved constituencies as well as to the agencies that serve them. Citizen participation was done in accordance with Consolidated Planning requirements and followed HUD guidance and generally accepted standards.

All six Entitlement Communities, as well as the State's Office of Housing and Community Development, certified that they (and by extension the public housing agencies in their jurisdiction) affirmatively further fair housing in the administration of their programs and that there had not been any fair housing complaints or compliance reviews where the Secretary of HUD issued a charge or made a finding of discrimination during the period covered by the AI.⁶¹ They also certified that no complaints alleging housing discrimination had been filed by the Department of Justice or private plaintiffs. As part of their participation in this new regional (statewide) assessment of fair housing and analysis of impediments, they have again so certified.

Most federal and state housing and community development funding in Rhode Island is administered by the Office of Housing and Community Development (OHCD) within the Division of Planning in the Department of Administration and Rhode Island Housing and Mortgage Finance Corporation (Rhode

⁶¹ A Public Housing Agency (PHA) Plan is a plan that informs HUD, residents, and the public of a Public Housing Agency's mission for serving the needs of low-income and very low-income families and its strategy for addressing those needs. PHAs must submit 5-year plans for tenant-based assistance and public housing programs. Some PHAs are also required to submit annual plans to supplement the 5-year plans. The Plan is a comprehensive guide to the agency's policies, programs, operations, and strategies for meeting local housing needs and goals. It must include a Civil Rights Certification, certifying that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

Island Housing), the state's housing finance agency. The Community Development Block Grant funds that flow through OHCD may only be spent in non-entitlement communities. The other programs covered by the Consolidated Planning process – HOME (including the American Dream Downpayment Initiative (ADDI), Emergency Solutions Grants (formerly the Emergency Shelter Grants program) and the Housing Opportunities for Persons With AIDS (HOPWA) – may be used statewide.

Affordable housing funds and programs administered statewide by Rhode Island Housing include: federal Low-Income Housing Tax Credits (including the Tax Credit Assistance Program and the Tax Credit Exchange Program provided as part of the American Recovery and Reinvestment Act of 2009), HOME funds and Lead Hazard Reduction Program funds. Through Memoranda of Understanding with the Office of Housing and Community Development, Rhode Island Housing also administers the state's portion of the federal Neighborhood Stabilization Program as well as the state's affordable housing programs, including Building Homes Rhode Island (BHRI), the Neighborhood Opportunity Program, and the state Lead Hazard Reduction Program. The agency acts as the lead agency in the application for the state's Continuum of Care application to HUD, and is the reporting agency for HUD's Consolidated Plan and its related annual reports. Rhode Island Housing also administers the Section 8 Housing Choice Voucher Program and acts as the state's Housing Authority in the fifteen Rhode Island municipalities that have no Authority.

The State of Rhode Island AI was prepared by the Office of Housing and Community Development, in collaboration with Rhode Island Housing. The state AI covers all 39 Rhode Island municipalities. The six Entitlement Communities have participated in the preparation of this new statewide Fair Housing Plan. They have agreed to work collaboratively with other municipalities and state agencies to address the fair housing challenges that extend beyond their borders. Indeed, they have long called for such a regional approach in their own AIs.

OHCD and Rhode Island Housing have a similar obligation to identify disparities among the communities their programs serve, or could be serving, and to take corrective action, if necessary, to address them. As the data analysis undertaken in this Regional AI makes clear, the greatest disparities are not found within or between the Entitlement Communities, but between the Entitlement Communities and the state's suburban and rural towns.

Entitlement Communities' previously identified impediments

There are a number of themes, described below, that were common across most of the previous AIs of each of the Entitlement Communities, including the recognition that a regional (statewide) approach to addressing fair housing issues is preferred.

- Most of the Entitlement Communities identified impediments more broadly than solely on fair housing issues, including the identification of barriers to affordable housing generally.
- As most of the previous AIs were undertaken during or shortly after the Great Recession, the overarching impediment was related to the weak economy: joblessness, foreclosures, disinvestment, and insufficient resources to assist those in need. Some described the recession's impact on protected classes more explicitly than others.
- Many of the identified impediments were beyond the authority of the participating jurisdiction to address including limited transportation options, insufficient state and federal resources for low income housing or the lack of affordable housing options in much of the suburban and rural parts of the state.

- Other impediments were beyond the jurisdiction’s resources or they were issues better addressed regionally/statewide (such as expanded fair housing enforcement, information, education, and outreach). Even where individual cities were taking action (for example, providing fair housing information in multiple languages or conducting training for housing and service providers), regional collaboration would likely be more efficient.
- Many of the impediments identified in these previous AI persist, including some “jurisdiction-specific” ones, but most are regional/statewide, and further efforts are required to mitigate the impacts. Many are regional issues because they impact or are present in all of the participating jurisdictions. Addressing them requires the collaboration of those jurisdictions, state and federal funding agencies, fair housing service providers, lenders, real estate professionals, and other state agencies.

Entitlement Community Impediments and Strategies

As acknowledged in most of the Entitlement Communities’ previous Analyses of Impediments, many fair housing issues are best analyzed and addressed at the regional level. Therefore, the strategies identified in Chapter 6 of the Regional AI aim to address many of the impediments identified previously on the local level. However, each Community does have a unique set of circumstances. This section identifies any locally specific issues and impediments as well as strategies that are ongoing or required locally to address them. The information and strategies below vary based on local needs and efforts.

City of Providence

Zoning and land use

The inspectional services process in Providence was described as arbitrary, capricious and time consuming. It was suggested that the inspection process must take the rehabilitation of existing housing versus new construction into account when inspections are conducted. The City’s lack of an inclusionary zoning ordinance was noted, but was not identified as an impediment because the City ‘s Comprehensive Permit Policy allows affordable housing developers to have zoning relief granted by the City Plan Commission for certain affordable housing developments.

- With the introduction of ProvSmart, the City’s Online Permitting and Plan Review system, builders have an online dashboard where they can track and keep a record of all permits submitted to the City. This has greatly reduced the length of time for the permitting and inspection process. The City will continue to use this system.

Access to Fair Housing information and education

Language and/or cultural barriers are impediments to fair housing in Providence. Persons are often taken advantage of by landlords, in jobs, and when renting or purchasing a house.

- The City is actively looking for partner organizations that can provide housing counseling in languages other than English. Further, the City has engaged with the Roger William’s University Law Clinic and the Rhode Island Center for Justice to assist with finding support for low-income renters that have been unfairly treated in the access or retention of housing in the City.

Access to healthy housing

Lead paint remains an issue in Providence’s older housing stock. Lead-based paint abatement programs need continued funding and additional qualified contractors need to be identified or trained. The cost of lead paint abatement is high, and new funding sources need to be identified to expand the programs.

- As noted on the statewide strategies on page 129, there is a need to support permanent funding streams for lead mitigation programs, increase education of tenants and landlords about the state's lead laws and increase the participation rate in lead-safe and lead-free certification programs. The City of Providence received a lead hazard abatement grant from the Office of Lead Hazard Control and Healthy Homes and is engaged in a three year effort to remediate up to 250 additional homes in the City of Providence.

Access to affordable housing

The lack of quality affordable housing (both rental and homeownership) compared to the need for such is a frequently cited as a major impediment to fair housing. The city's sizable inventory of low- to moderate-income housing is located in neighborhoods throughout Providence; however, the south side of the city has more subsidized and low- to moderate-income housing per neighborhood than the rest of the City.

- The City will work to increase the availability of good quality rental and home ownership opportunities throughout the city by continuing to work with and fund CDCs that are actively producing or rehabilitating units of affordable housing.

Transportation

Transportation represents a major barrier Public transportation is essential for many low- and moderate-income residents to get and maintain employment. RIPTA continues to work to create linkages between employment and residential areas, but service is still not as comprehensive as needed.

- Increased connections between housing and transit: The City will work with RIPTA to site transit service near low- to moderate-income housing and near job centers to help create the essential housing/transit/jobs linkage. Support the creation of a streetcar network in the City to provide additional transportation option for City residents.

Discrimination

Discrimination in the sale, rental, financing, and insurance of housing is believed to be an ongoing impediment, making it difficult for minorities to rent or purchase housing in the areas of their choice in the city. While the collapse of the housing market, the foreclosure crisis and the recession eliminated the predatory lending problem, they made it more difficult for everyone – especially low- and moderate-income people and families – to obtain mortgages for homes in Providence as credit standards have been tightened. Neighborhoods in Providence with concentrations of low-income people have higher insurance rates, and property and liability insurance for homeowners or renters is not always available. The FAIR Plan is accessible to all, but Plan premiums are generally set in the top quarter of prices for available premiums, making it difficult for low income persons to afford the necessary insurance.

- Conduct a testing program on a metropolitan or statewide basis in the following areas: mortgage lending practices, rental housing industry, home sales, and insurance availability.
- Explore methods of creating fairness in insurance costs for properties in low-income areas. Work to eliminate credit scores as a basis for offering insurance.
- Monitoring trends at the state-wide level would help to identify and address discrimination in a comprehensive manner. Continue efforts of affirmative litigation to preserve and expand the rights of the City's low-income population to access quality affordable housing through nondiscrimination.

City of Cranston

Fair Housing Education

- In addition to what is recommended at the State level, the Department of Community Development at the City of Cranston will continue to place posters provided by the National Fair Housing Alliance defining housing discriminatory practices. Posters in all languages are placed in all municipal buildings throughout the City.

Access to affordable homes

There is a need for more collaboration on local development efforts and a unified vision of the community to suit resident's needs.

- Provide initiatives to create the formation of Community Development Corporations in Cranston. The Cranston Housing Authority, the Office of Constituent Affairs, Comprehensive Community Action Program (C.C.A.P.) and the Cranston Planning Department will continue to encourage and promote collaboration with non-profit organizations, private developers, and the real estate industry to develop multi-family and single-family public housing units. CCAP, a large non-profit organization meets the State of Rhode Island's criteria of a Community Housing Development Organization. As the City's largest social service agency, CCAP owns and operates three multi-family homes and has 19 additional units at St. Matthews Rectory. All housing units are occupied by low/moderate income families.

Access to healthy housing

Presence of lead paint in older homes creates a continuing need abatement programs need to be continued. Although lead poisoning rates in the city have decreased significantly from 1999 to 2008 – from 4.7% to 1.1%, there remains a concern that landlords may not rent to families with children under 6 years old for fear of lead paint liability issues.

- As noted in the statewide recommendations in Chapter 6, Rhode Island Housing continues to service the entire State's population with Lead Abatement. The City of Cranston continues to provide funds for first time homebuyer programs. These programs have proven to be very successful. Approximately 120 families have made Cranston their home since 2005 utilizing Down Payment and Closing Cost funds. All recipients must provide a Lead Safe Certificate before funds are released.

City of Warwick

Access to affordable housing

The City of Warwick Office of Housing and Community Development (The Office) continues to be cognizant of ensuring geographic diversity for developments receiving support from the Office and other sources, and to support the understanding of Fair Housing. The Office continues to work with neighborhoods with regards to planning & redevelopment.

- The Office, along with non-profit developers, will continue to assess the feasibility of the conversion of REO/foreclosed residential structures to affordable housing units throughout the jurisdictional boundaries of the City.
- The Office will continue to offer an affordable financing incentive to property owners to make repairs to their properties and add new units of Section-8 housing units to the Warwick market.
- The Office through the Community Development Block Grant Program will continue to provide resources to eligible neighborhoods to implement projects contained in their individual master plans. The Office staff meets with the neighborhood planning committees and attends neighborhood association meetings to offer guidance on future investments.

Fair Housing Information and Enforcement

The Fair Housing Committee has been deactivated and all Fair Housing related issues that come to the Office are handled internally among the Office staff with the support of others knowledgeable in Fair Housing compliance. The Office continues to work on making information on the Office's programs is easily accessible and works to accommodate all interested parties are able to access its Programs. The Office continues to support its many non-profits in their efforts to eliminate housing discrimination and support to those in the development of new housing opportunities.

- The Office plans to work closely with the proposed statewide Fair Housing Advisory Committee, as discussed in Chapter 6, to better leverage and assess Fair Housing related issues.
- The Office will continue to provide information on its Programs to area non-profits and to the City's Senior & Social Service Programs.
- Information will continue to be available on the City's website.
- The Office will continue to offer interpreter services for those that have limited English proficiency and the deaf and hard of hearing. In addition, those with limited mobility can request consultation in their homes if required.
- The Office will continue to provide funds to area non-profits for the acquisition and rehabilitation of properties into affordable housing units for both home-owners and renters.

Access to healthy housing

The Office continues to offer financing to property owners interested in making their property lead safe.

- The Office will continue to provide affordable financing options to owners of pre-1978 residential properties to make their property lead safe
- The Office will continue to partner with Rhode Island Housing's Lead Safe & Healthy Home Program to further supplement the lead hazard reduction work and to ensure a more comprehensive approach to healthy homes.

Housing needs of people with disabilities

The Office works with non-profits on a referral basis to assist them with their clients that are elderly, have mobility issues or are handicap receive services.

- The Office will continue to provide affordable financing options to income eligible property owners that are elderly or are handicap or have mobility issues to make improvements to their property and remain in their home.

Diverse local representation

The Office continues to advocate for representative diversity amongst the City's Boards and Commissions.

- The Office will continue to communicate with the Mayor regarding appointments made to the City's Boards and Commissions be representative of the demographics in Warwick.

City of East Providence

Impediments to Fair Housing in East Providence

Tenants that are at or below 30% AMI and are housed in smaller multiunit buildings that are owned by individual landlords (landlords with 3 to 6 units) are the most common victims of fair housing violations such as evictions, no response for repairs or maintenance, retaliation by landlords for requests for repairs/maintenance.

Strategies:

- Research funding opportunities to capitalize a renovation program for small landlords that house at least 51% low to moderate income families who are sited with code violations. Priority would be targeted to those applicants with tenants who incomes were 30% AMI or lower. As part of the program, provide education on Fair Housing law, their responsibilities, tenant's rights, and resources to use when issues arise. Also provide fair housing education to their tenants as a separate training.
- Provide outreach through East Providence Housing Authority landlords that participate in the Voucher Choice Program, City web page & Video of the Week feature, periodic newspaper notices and articles.
- Coordinate outreach and education efforts with the existing partnership between the City and Childhood Lead Action Project to provide further outreach to small landlords and their tenants.
- Focus program and outreach efforts initially in the two census tracks in the Downtown and Riverside areas that indicate higher density of lower income renters and landlords. Also focus on the older age of this subset of housing stock. Homebuyers with lower income and/or obvious ethnic backgrounds are also the victims of fair housing violations such as not being provided much time or effort, directed to substandard housing, or directed limited neighborhoods.

Homebuyer Education

Homebuyers with lower income and/or obvious ethnic backgrounds are also the victims of fair housing violations such as not being provided much time or effort, directed to substandard housing, or directed limited neighborhoods.

Strategy:

- Facilitate more First Time Homebuyers education provided by the State for East Providence that incorporates fair housing issues for them to be aware of. Facilitate education curriculum such as Don't Borrow Trouble. Promote existing education opportunities for credits with the RI Association of Realtors® (RIAR), and work with RIAR to address other needs in their classes as issues arise. Reach out to state to help provide resources to be used.

Length of Time for Complaint Filings

The East Bay Coalition of Homeless Prevention receives an average of 7-9 calls per week from tenants meeting the federal definition of at risk of becoming homeless. Some examples of these are; evictions over the weekend, no due process give, no written notices or time is provided. For FY 2014, the average age of a case at closure was 308 days. The timeline needed for the process used to file a complaint with the Commission on Human Rights and Discrimination does not provide any practical recourse for these tenants. A "No Probable Cause" determination was rendered in approximately 39.4% of total processed cases. A significant number of No Cause findings resulted from a complainant's failure to pursue her/his charge by failing to respond to requests for information. This is thought to be in large part due to the process provided them represents no immediate solution to their situation or is overwhelming. Many are under the wrong impression of what the notice from their landlord means while others are naive to their rights or of any resources easily available to them.

Strategy:

- Partner with the Coalition of Homeless Prevention and the Childhood Lead Action Project to gain more insight into these calls from tenants facing eviction. Analyze this information to identify ways to provide education to tenants before they are in crisis, identify what areas of the city to

focus this education in, provide fair housing education through community forums through existing community gathering to raise awareness, and facilitate more networking among local housing, public service, and health care service providers while offering fair housing education.

Steering of Home Buying/Rental Options

East Providence has neighborhoods that are considered better than others while some considered worse than others. Anecdotally, depending upon the perception given of income and race, real estate licensees or property managers sometimes suggest what they feel would be the neighborhood most likely to be similar to those perceptions. This results in steering low income ethnic groups to housing and apartments that already have a higher density of this income and race group. This causes the further segregation of East Providence's neighborhoods.

Strategy:

- Work with the RI Association of Realtors® (RIAR) to better advertise and promote their fair housing training. In particular, work to connect fair housing education to organizations representing minorities, tenant groups, housing choice voucher participants, etc.

Realtor, Landlord, and Tenant FH Laws Education

While the realtor community seems to have better grasp of fair housing laws, landlords and tenants (especially landlords and tenants that are lower income) tend not to have a good grasp on fair housing law. It is felt that this lack of education contributes to all of the above stated issues especially evident in the number of calls received from tenants at risk of becoming homeless.

Strategy:

- The City of East of Providence supports the Statewide recommendations contained in Chapter 6.

City of Pawtucket

Fair Housing Education

Information on fair housing is not always accessible or well-publicized. The City of Pawtucket has contracted with Blackstone Valley Community Action Program to hold community seminars on a yearly basis. As discussed in Chapter 6, the City would benefit from a Statewide coordinated effort to help raise consciousness.

Discrimination

Housing discrimination is not contained within political boundaries. The City of Pawtucket supports the Regional Analysis of impediments as a way to remedy this issue.

Homeownership

In the City of Pawtucket, minorities are declined for mortgages at a higher rate. The City supports this issue being investigated at the State level, as proposed in Chapter 6.

Zoning on accessible apartments

Given the City of Pawtucket's density of housing, it is not supportive of relaxing zoning with respect to accessory apartments.

Language barriers

The City of Pawtucket needs to do a better job of translating its housing programs into other languages, including Spanish. The City is supportive of working with the State on this issue.

Barriers to persons with disabilities

- The City of Pawtucket has had a 504 evaluation conducted, but has yet to complete all of the recommendations.
- The City is diligent about making non-profit developers meet their accessibility requirements. More education is needed on this topic.
- The City would be supportive of a statewide program to provide retrofitting of existing housing units to make them accessible is needed.

Access to healthy housing

This City requires property owners to comply with the State's Lead Hazard Mitigation Act.

Diversity on Boards

The Mayor of the City of Pawtucket routinely advertises for members of the public interested in serving on boards and commissions to express interest.

City of Woonsocket

Past impediments and a few previous recommendations identified by the City of Woonsocket include . . .

Impediment: Woonsocket has growing minority communities: African-Americans, Asians and Hispanic, now comprise almost 10% of its population.

- Previous recommendation: It is imperative that there be a positive, pro-active and inclusionary effort to promote housing choice throughout the City, although there are some neighborhoods that fall short in this area.

Impediment: The City's tax rate is one of the highest in the State. This greatly impacts existing homeowners, first time buyers and renters.

- Previous recommendation: Some relief is provided to certain special needs groups with exemptions on the valuation of their properties, but more is needed and the City's resources are very limited. One long-term direction that the City is moving forward on is the expansion of the Highland Industrial Park in the City. This will significantly expand the industrial tax base, as well as provide jobs for residents.

Impediment: The City's supply of supportive housing for those with special needs is inadequate. Of particular concern to aging parents caring for adult children with mental, physical and developmental disabilities is ensuring that their children will have a safe, secure place to live when they pass on or are otherwise not able to care for them.

Impediment: The City's supply of supportive housing and services for elderly and frail elderly residents is also inadequate. These households have serious issues of accessibility. The private housing in the City (walk-up tenements predominate) is particularly difficult for elderly tenants and homeowners to have unrestricted mobility. Most of these are existing units and therefore do not fall under the Americans with Disabilities Legislation. These conditions also hinder independent living.

- Previous recommendation: The City's preference is for the rehabilitation and reuse of the existing stock rather than new construction, although it is recognized that the building code

requirements for this type of housing may make it economically unfeasible to indulge this preference.

- Previous recommendation: There are technological innovations for persons with sensory impairments which would facilitate their independent living, and the private housing in the City needs to be retrofitted to accommodate these households.

Impediment: There is no institution whose lending activity meets the needs of the City's low income neighborhoods. Especially significant are:

1. the extremely poor records for government insured mortgage lending. These mortgages have more liberal qualifying guidelines which are beneficial to prospective low-income home buyers;
2. loans for multi-family buildings (more than five units) which constitutes a significant percentage of the City's housing market; and
3. loans to non-occupants.

Impediment: The greater frequency with which minority households are denied loans

Impediment: Lack of coordination of in the delivery of services and resources

Chapter 8: Deliberation and Community Engagement

The public participation process for the Sustainable Communities Regional Grant involved an extensive outreach and engagement process including formal decision-making and advisory bodies as well as comprehensive public engagement opportunities. This engagement focused on core topic areas, including economic development and housing. This section details all of these efforts and highlights ‘what was heard’ more specifically on housing needs and access.

Sustainable Communities Governance Overview

The RI Sustainable Communities Regional Grant Consortium

The Consortium was the decision-making body of the Sustainable Communities Regional Grant. It consisted of 35-member organizations that were chosen based on areas of expertise, geographic diversity, and interest in participating. The lead member was the Rhode Island Division of Planning, representing the State Planning Council, the Metropolitan Planning Organization (MPO) for the region. The Consortium played many roles over the course of the planning process, including developing the work plan, helping select a consultant team, providing perspectives for the project’s direction, reviewing deliverables, and setting the course for public engagement.

The Economic Development, Housing and Growth Centers Committees

The Economic Development and Housing Committees had an open membership that included several members of the Consortium and Social Equity Advisory Committee (see below), and approximately 50 business leaders, industry representatives, government officials, advocates, lenders, and academics. These groups met roughly once a month between June of 2013 and July of 2014 to review the development of new materials, provide direction on the development of the plan, and work through the details of technical issues related to economic development. This group essentially represented the primary “work space” for the development of this plan.

The Housing Committee was comprised of individuals representing:

- Rhode Island Housing
- Rhode Island Office of Housing and Community Development
- Representatives from the Rhode Island Housing Resources Commission
- Rhode Island Division of Planning
- HousingWorks Rhode Island
- Grow Smart Rhode Island
- Roger Williams University
- Refugee and Community Advocate
- Rhode Island Foundation
- City of East Providence
- Rhode Island Interagency Council on Homelessness
- Rhode Island Coalition for the Homeless
- Representatives from the Social Equity Advisory Committee
- Rhode Island Legal Services
- Housing Network of RI

Green & Healthy Homes Initiative
Rhode Island Builders Association
City of Newport
Rhode Island Department of Health
Town of North Kingstown
Rhode Island Office of Energy Resources
Providence Plan
City of Providence
Lead Safe Kids
Rhode Island Office of Health and Human Services

Social Equity Advisory Committee

The Social Equity Advisory Committee (SEAC) was comprised of diverse constituents from various organizations and communities, and served to advise the grant Consortium. The SEAC met regularly to advise on two major topics – designing an inclusive, diverse *process* and reviewing the development of all goals, policies and strategies to ensure that *outcomes* widen opportunities for all and reduce disparities. Rhode Islanders from all walks of life were heard and included in the process.

State Planning Council and Technical Committee

The State Planning Council (SPC) adopts goals and policies related to planning, most of which are contained within individual plans, such as this one, which are elements of the State Guide Plan. As the Comprehensive Economic Development Strategy (CEDS) Committee for the state, the Council maintains the state's Comprehensive Economic Development Strategy and reviews projects for funding consideration by the U.S. Economic Development Administration. The body also advises the Governor on strategic planning matters and helps ensure that major project and program proposals are consistent with the State Guide Plan.

The SPC's Technical Committee (TC) is a permanent advisory committee that reviews the Statewide Planning Program staff work on major plans and provides other advice as requested by the SPC. Membership of the TC parallels that of the SPC, with representatives of state agencies, local governments, citizens from different areas of the state, and federal advisory members. The Committee is intended to ensure representation of diverse interests and views in the Statewide Planning Program's activities. Many of the activities of the TC parallel those of the SPC. The Committee holds regular monthly meetings and reviews staff reports throughout the year. State Guide Plan elements and documents are reviewed by the TC before being recommended to the SPC for action.

The Equity Profile of Rhode Island

The Equity Profile of Rhode Island was completed by PolicyLink and the Program for Environmental and Regional Equity (PERE) to provide detailed demographic analysis and research on the State of Rhode Island. It was developed to help the State effectively address equity issues throughout its process of planning for a more integrated, inclusive and sustainable State. This document has helped to inform the analysis within this Regional AI.

Public Outreach and Engagement

A year-long comprehensive outreach and engagement process occurred between 2013 and 2014. It included traditional public forums, as well as new efforts to get input and ideas from people who have not participated in traditional public meetings in the past.

Public Events

A series of public forums were held to solicit feedback at critical points in the project in locations all over the state. Map galleries, breakout discussions, technical presentations, polling, surveys, and posters were used to communicate ideas and to record feedback from participants.

Opening Work Session – In May 2013, the Sustainable Communities Regional Grant process kicked off with an “opening work session” where business leaders, community advocates, and government officials came together to kick off the project and start discussions related to improving conditions in the state. This served as a “test” for some of our engagement strategies.

Public Forums – Four forums were held throughout the state in August 2013. The agenda included a discussion of the following questions: How do we provide housing opportunities for all Rhode Islanders?; How do we revitalize our villages and cities?; How do we grow our economy?

Open Houses – Six open houses were held over two weeks in May 2014. These events presented informational posters highlighting all the work done over the past year. Through online and paper surveys, available in English and Spanish, participants were asked to gauge proposed goals, policies, and strategies for both the economic development and housing plans.

Public Hearings – Notice of two public hearings in October 2014 and opportunity to comment on the draft plan were provided through advertisement in the Providence Journal, posting on the Statewide Planning website, a direct mailing to the over 2,000 planning and transportation contacts in Statewide Planning’s database, and an e-blast to all the contacts in the Sustainable Communities Regional Grant database.

Other Feedback Opportunities

With guidance from our project committees and partners, staff and consultants reached out to groups and individuals throughout the state to encourage them to organize sessions to help identify the most critical issues in Rhode Island and brainstorm potential strategies for making the state a better place for everyone.

Focus Groups – Over 30 focus groups were convened to help identify the issues that should drive policy decisions in the state and potential strategies. These groups included business organizations, advocacy groups, academic groups, students, community organizations, and many others.

Groups that focused specifically on Rhode Island’s housing and community development needs included:

AARP RI
Housing Network RI
RI Developmental Disabilities Council
RI Coalition for the Homeless
West Elmwood Housing Corporation
West Elmwood Resident Engagement Committee

Meeting-in-a-Box – One of the more challenging aspects of community outreach is how to give a voice to individuals who typically do not have a “seat at the table.” Barriers to engagement are numerous and sometimes complex, and often discussions need to be taken into the community in order to hear perspectives that might otherwise go unnoticed. To help overcome some of these barriers, a tool called “Meeting-in-a-Box” was introduced. This tool includes a highly structured

packet of information that helps residents host their own focus groups and record discussions in a way that makes it easy to incorporate ideas.

Interviews – Individual or small group interviews were also conducted to gather information and data, as well as impressions and perspectives to help shape the potential strategies specific to housing needs and resources. These included individuals from the following organizations:

East Providence
OKM Associates
Rhode Island Housing
Ocean State Center for Independent Living (OSCIL)
Governor’s Commission on Disabilities
Department of Housing and Urban Development, New England Office of fair housing and equal opportunity
Rhode Island Human Rights Commission
Brown University
Rhode Island Department of Corrections
Department of Housing and Urban Development Fair Housing Initiatives Program (FHIP)
Rhode Island Housing Resources Commission, previous chair
Community Development Directors
Community Development Corporations
Rhode Island State Housing Appeals Board, Housing Action Coalition
Local Initiatives Support Coalition, Chair
Roger Williams University
Federal Reserve Bank Boston
Federal Home Loan Bank, Boston
Rhode Island Coalition for the Homeless
Providence College
Tufts University
Rhode Island Association of Realtors
John M. Corcoran Company

Online and Social Media Outreach

Website & Social Media – A project website was developed to help communicate with the public, share products, announce meetings, etc. Other social media like Facebook and Twitter were used to provide more “real time” updates on hot discussion topics and public events. During the month of May 2014, all of the meeting materials and surveys were displayed on the website in a “Virtual Open House.”

Crowd Sourcing – The project website incorporated an Internet-based discussion tool called MindMixer, which allows users to submit ideas in response to questions and to rate and comment on other people’s ideas. Users generated ideas in response to discussion topics which could then be discussed with other users.

Public Outreach: What we heard

Many of the public outreach sessions focused more broadly on identifying opportunities and barriers that Rhode Islanders need to live healthy and productive lives. A summary of some of public comments and concerns with respect to housing are outlined below.

Housing, Neighborhoods & Communities

- There is a lack of affordable housing and difficulties accessing it, including that income eligibility for low income housing has gone lower which means some are caught in between low income housing and the rental market affordability.
- Appropriate housing for older adults is a concern, including the need for more units and the improvement of existing ones.
- Housing costs in general are too high, including for middle class people and that there is a lack of affordable options in desirable living centers.
- Some identified the need to amend zoning laws to allow apartments within houses, encourage boarding with the elderly, and rehabilitate abandoned property.
- Older housing stock provides cost and life-style challenges.
- Some participants commented on LGBT-friendly senior and public housing, including that LGBT residents of subsidized and public housing sometimes run into homophobic attitudes and behavior from other residents.
- Some highlighted the benefits of the friendly and supportive communities and neighborhoods, commenting that better linkages between and among neighborhoods would help to improve upon this.
- State Government should play a strong role in securing the right to safe and affordable housing for vulnerable Rhode Islanders, including homeless people, people with mental illnesses or physical disabilities, low-income people, veterans, formerly incarcerated people, immigrants, refugees, and others who are excluded or severely limited by the current housing market.
- All Rhode Islanders should have the opportunity to live in the community of their choice. That means making sure that there are affordable options in every community, and that there are transportation options that link people to education, jobs, and more.
- Every community, including those that now have the highest percentages of low-income residents and people of color, should offer opportunities for quality housing, strong educations, jobs, and more to their residents so that they can experience those opportunities without having to leave their communities if they so choose.
- Many participants also mentioned access to healthy food, noting a concern about the presence of food deserts in some of our communities and the need for easier access to and knowledge about healthy/organic foods.

- There is a need to prevent displacement of residents in communities where property values are rising, and to ensure access to rental housing is available to residents who were affected by the foreclosure crisis.

Support Programs and Public Services

- There is a lack of information about available public services and the need for a centralized resource center.
- There is a lack of bilingually trained teachers, social workers, police, etc.
- There is a need for support and services for seniors, which impact the ability of seniors to safely age at home.
- There is a need for support and services for families, especially a lack of quality and affordable childcare options and support and resources for working mothers.
- Communities lack youth community centers and after school opportunities.
- There is a need for increased support and services for mental illnesses.
- There is a need for increased support services for homeless people, including more shelters and wrap-around services.

Inequalities

- There are concerns about inequalities affecting the LGBT population and LGBT elders including a lack of understanding and appropriate training about LGBT diversity.
- Racism and segregation were identified concerns, particularly with respect to opportunities for employment.
- There are a number of barriers that affect convicted felons, including access to employment and housing opportunities.
- Other inequalities noted include that minorities pay higher interest on loans of all types, hiring practices tend to favor the already employed versus the unemployed and there is a growing income gap between the rich and the poor.

Public Review of Draft Regional Analysis of Impediments

Background

The Rhode Island Office of Housing and Community Development and Rhode Island Housing conducted a public hearing relative to the *Rhode Island Regional Analysis of Impediments to Fair Housing*. The advertisement for the hearing alerted the public to the facts that the Regional AI recommends administrative and programmatic actions to address barriers in private and government-assisted housing, not only for protected classes but others who have faced barriers in the marketplace, and that it promotes initiatives that facilitate equal access to housing, which is fundamental to ensuring equal opportunity in education, employment, and other areas. The public was further informed that Rhode Island's six largest cities (Cranston, East Providence, Pawtucket, Providence, Warwick, and Woonsocket) and the state's Office of Housing and Community Development along with Rhode Island Housing have an obligation as recipients of federal housing and community development funds to prepare Analyses of Impediments (AI) to Fair Housing.

Notice of the public hearing and opportunity to comment on the draft report were provided in English through advertisement in the Providence Journal and in English and Spanish in the Providence American, as well as posting on the Statewide Planning Program, Office of Housing and Community Development, and Rhode Island Housing websites. Each of the six Entitlement Communities also advertised for the hearing as they have done in the past for their own Analyses of Impediments. This involved posting on their websites, as well as advertising in several local newspapers, including the Pawtucket Times.

The public hearing was held:

Wednesday July 8th, 2015 from 6:00 p.m. to 8:00 p.m

Rhode Island Department of Environmental Management, Room 300

235 Promenade Street, Providence, RI 02908

To request a language or sign interpreter, the public was asked to call the Division of Planning 48 hours in advance at 401-222-6183.

Copies of the draft Regional AI were posted on the websites of the Statewide Planning Program, the Office of Housing and Community Development, and Rhode Island Housing. The document was also shared with the six Entitlement Communities to post on their websites. Hard copies could be requested at the Office of Housing and Community Development during normal business hours, by telephone, mail or e-mail. All comments received by Saturday, August 8th were considered for inclusion in the final plan.

For more information or to comment, the public was asked to contact:

Melanie Army

Office of Housing and Community Development

One Capitol Hill, 3rd Floor Providence, Rhode Island 02908

melanie.army@doa.ri.gov

401-222-6183

The hearing began with an informational presentation followed by opportunity for public comment. It should be noted that a public hearing to provide ideas for the State's Consolidated Plan was held immediately prior to the AI hearing in the same room at 4:00pm. People who attended that hearing also heard the informational presentation on the AI and were welcome to comment on the AI at that time. The public comments summarized below represent all comments heard about the AI, at both the 4pm and the 6pm hearings.

In total, approximately 20 people attended the two hearings, and 5 people gave spoken comments. Over the course of the public hearing period, 2 people or organizations submitted written comments.

Summary of Comments & Responses at the Public Hearing

I. Jim Ryczek
Executive Director
Rhode Island Coalition for the Homeless

What Was Heard

- Very supportive of making it illegal to discriminate against tenants based on their source of income.
- Supportive of efforts to make investments in affordable housing in communities with currently limited options.
- Hopes that the State can provide more incentives for municipalities to meet their 10% affordable housing goals.
- Would like to see more financial resources allocated for the RI Commission on Human Rights (RICHR) to support their fair housing work.

Response

- The issue of providing incentives for municipalities to meet their 10% affordable housing goals is valid and important, and will be addressed in the pending update to the Housing element of the State Guide Plan.
- On page 129 of the current draft report under the header, "Improve Fair Housing Enforcement," an increase in funding for RICHR is indeed suggested as a strategy.

Changes to the Report

- No changes made.

II. Jean Lamb
Executive Director
Smith Hill Community Development Corporation

What Was Heard

- Would like to see more information on Rhode Island's aging population, and ensuring that people can successfully "age in place" in their current neighborhoods if they choose (without moving to nursing homes or assisted living).
- Would like to see additional financial support for maintaining existing senior housing, and developing new housing appropriate for seniors.

Response

- The report does indeed acknowledge the aging demographics in Rhode Island, and the needs of seniors, particularly as age leads to disabilities that may lead to housing discrimination.
- The issue of preserving and expanding homes (both subsidized and market rate) attractive to seniors in neighborhoods throughout Rhode Island is a major feature of the pending Housing

element of the State Guide Plan. In fact, an entire Goal and set of policies and strategies revolves around housing and neighborhoods that can best serve our aging population.

Changes to the Report

- No changes made.

III. Cynthia Hiatt

Legal Counsel

Rhode Island Commission for Human Rights (RICHR)

What Was Heard

- Supportive of the report, and agrees that elimination of housing discrimination is the key to the elimination of employment and education discrimination.
- Noted that regardless of the AI, states and municipalities are bound by federal fair housing law to prohibit policies that serve to screen out minorities.
- Ms. Hiatt noted the recent Supreme Court decision regarding Texas Department of Housing and Community Development vs. Inclusive Communities Project, which held that communities can be considered in violation of the fair housing act if their policies produce “disparate impacts” on protected classes, even if discrimination was not the intent of the policies.
- Ms. Hiatt noted that the recent activities of RICHR related to Fair Housing Education are accurately portrayed on page 129 but inaccurately portrayed on page 11. She requested that page 11 be updated with the same information on page 129.

Response

- No responses needed.

Changes to the Report

- The final AI will make note of the recent Supreme Court decision, and that disparate impacts have been confirmed by the court to be a violation of federal fair housing law. This language will be added to Chapter One.
- The content on page 11 has been updated to match the content of page 129 per Ms. Hiatt’s request (now pages 128 and 129) .

IV. Gary Morse

Resident of Barrington

What Was Heard

- Mr. Morse wondered whether there should be a different way to assess property in Rhode Island. We have very high property tax rates, which is a barrier to homeownership.
- Mr. Morse also expressed concern that housing must have a deed restriction to count toward a municipality’s 10% affordable housing goal. He wonders if there are ways to maintain affordability other than deed restrictions, such special tax treatment (for example, having an income-based property tax). Mr. Morse suggested that deed restrictions are unattractive to lower-income buyers, and can serve as a disincentive for improving homes through sweat equity. Mr. Morse mentioned that there is a State initiative to address this issue.

Response

- The definition of “affordable housing,” including the requirement of a long-term deed restriction, was set by the RI General Assembly in the Low and Moderate Income Housing Act, which represents a legislative compromise reached after considering many competing points of view. The Housing Act of 2004 Implementation Oversight Commission is the most appropriate platform to have the in depth discussions needed before modifying the definition of low- and

moderate-income housing or otherwise amending the Act. Any efforts to amend the Act should be part of a broader discussion of the Commission about how to improve the Act's effectiveness in meeting the affordable housing needs of Rhode Islanders.

Changes to the Report

- No changes made.

V. Steve Larrick

Director of Planning
City of Central Falls

What Was Heard

- Supportive of the report, and of the importance of affordable housing, particularly in communities where many families are struggling to get by.
- In Central Falls, market forces alone cannot be relied upon to produce healthy, quality housing. Mr. Larrick supports a robust affordable housing program for the State of Rhode Island.

Response

- No response needed.

Changes to the Report

- No changes made.

Summary of Written Comments & Responses

I. Scott Wolf

Executive Director
Grow Smart Rhode Island

What Was Heard

- Very supportive of the report. Expressed that broadening opportunity to access good homes and jobs, safe neighborhoods, and excellent schools will help Rhode Island grow its economy, attract business investment, and create great places for all Rhode Islanders, young and old, to live.

Response

- No response needed.

Changes to the Report

- No changes made.

II. Monica S. Staaf

Legal Counsel
Rhode Island Association of REALTORS® (RIAR)

What Was Heard

- ***p. 105 Source of income discrimination***
A number of landlords accept Section 8 and housing vouchers. Some landlords who do not have expressed concern about the red tape involved with the program and question the accuracy of fair market rent. Strategies to address these concerns should include education and outreach to landlords as well as streamlining the program to deal with problem tenants as alternatives to legislation. RIAR is working with the Rhode Island Coalition for the Homeless and other Zero:2016 stakeholders to create a brochure.

Response

- We appreciate this perspective from the view of landlords.

Changes to the Report

- These perspectives and suggestions have been added to the *Source of income discrimination* section, now on page 104.

What Was Heard

- ***p. 105, Disability discrimination related to assistive animals***
The lack of clear state guidelines has led to confusion as to when a landlord or condominium must accommodate a disabled tenant who is legally entitled to an assistive animal.

Changes to the Report

- Text added to encourage RICHHR to develop clearer guidelines on this topic, now on pages 104 and 105.

What Was Heard

- ***p. 105 “Barriers to housing for ex-offenders”***
Some landlords reject potential tenants with felony convictions – particularly those who have committed acts of violence – because they fear losing other tenants or that they could be held civilly liable for renting to a convicted felon who reoffends and places other tenants at risk. Also, registered sex offenders are legally prohibited from living in housing that is located near schools, for example.

Response

- We appreciate this perspective from the view of landlords.

Changes to the Report

- These perspectives have been added to the *Barriers to housing for ex-offenders* section, still on page 105.

What Was Heard

- ***p. 118, “Rhode Island Association of Realtors”***
The National Association of REALTORS® does not permit affiliated organizations such as RIAR to require our members to take particular classes like these as a condition of membership. As a result, please revise this sentence to read as follows: “The Rhode Island Association of Realtors encourages members to participate in its continuing education courses on fair housing laws.”

You may wish to add the following:

The REALTOR® Code of Ethics prohibits housing discrimination. Members of the public and other REALTORS® may file an ethics complaint against any member of our association who engages in illegal discrimination. RIAR and all five affiliated local REALTOR® associations in Rhode Island accept and review ethics complaints and have the authority to fine, sanction, or suspend or expel a member who engages in this practice.

The rest of the paragraph is accurate although you may wish to create a section for the Department of Business Regulation (DBR.) Since DBR licenses real estate salespeople and brokers, it regulates the content of the pre-licensing classes and continuing education classes for real estate licensees. You may wish to move the pre-licensing language to this new section. Also, all new real estate licensees must complete a three-hour state-approved class about lead. Commercial Licensing Regulation 11, Section 14 states that it is a violation of real estate licensee law for any real estate licensee to violate federal or state fair housing laws. This regulation is enforced by the Rhode Island Department of Business Regulation. Section 29 of the regulations prohibits real estate schools from engaging in discrimination. Section 30 requires real estate

licensees to complete 24 hours of DBR-approved continuing education classes every two years. 6 of the 24 hours must come from “core: classes.” DBR has approved nine categories of core classes, including fair housing, lead and other environmental issues, landlord-tenant, local ordinances, and financing.

Changes to the Report

- These additions and edits have been made, now on pages 118 and 119.

What Was Heard

- **p. 119, 2ND paragraph**

This paragraph refers to the “Board of Realtors.” RIAR is not aware of an organization or agency by that name, so you may wish to clarify the intent.

Changes to the Report

- References to “Board of Realtors” were made in error. The term has been deleted from the report.

What Was Heard

- **p. 119 Emerging Issues: medical marijuana**

Another emerging issue that poses a barrier to housing is medical marijuana and who is entitled to use it since R.I.G.L. § 21-28.6-4 uses a standard that is different from the federal or state definition of a disability. RIAR has received calls from property managers, rental agents, and landlords to clarify their state responsibilities since federal law prohibits the use of controlled substances.

Changes to the Report

- This issue has been added to pages 104 and 105, under a new heading called *Disability discrimination related to assistive animals and medical marijuana*

What Was Heard

- **p. 127, Infrastructure, Zoning and Land Use**

Some of the public comments on Public Outreach on p. 145 mention housing for seniors. Home owners may construct accessory dwelling units also called “in law apartments” as a matter of right for disabled family members. Consider expanding the law to allow accessory dwelling unit “in law apartments” for senior citizens who are members of the family.

Response

- Such a suggestion, while potentially helpful for particular families and for the state as a whole in expanding housing options, is not really an issue of fair housing. This idea will, however, be considered for the pending update to the State’s Housing Plan.

Changes to the Report

- No changes made.

What Was Heard

- **p. 138, 3rd paragraph, “Steering of Home Buying/Rental Options”**

This paragraph states, “realtors or property managers often” engage in steering “based on the perceptions given of income and race.” [Emphasize added.] Our association requests that you replace “realtors” with “real estate licensees.” In addition, RIAR objects to the use of the word, “often” since neither the city of East Providence nor any other entity has provided any documentation or basis for this claim. RIAR proposes that this sentence be revised to state, “some real estate licensees and property managers suggest . . .”

Changes to the Report

- These edits have been made, now on page 137.

What Was Heard

- ***p. 138 Strategy:*** As noted above and on page 118 of the report, RIAR currently offers continuing education classes on fair housing and the Americans with Disabilities Act for credit, so the first part of the strategy is already occurring. If there are specific issues that the City of East Providence or other stakeholders would like RIAR to address in our classes, please feel free to contact us.

Changes to the Report

- Strategies on both page 136 and page 137 have been updated accordingly.